E-FILED; Baltimore County Circuit Court
Docket: 2/26/2024 3:36 PM; Submission: 2/26/2024 3:36 PM
Envelope: 15545101

BLAKE LUCAS HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
LYNNSEY FULLANO,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-21- 005169

LINE OF APPERANCE

Please enter the appearance of Sarah Spitalnick Esq. as counsel for the Plaintiff in the above captioned matter.

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnickesq@gmail.com
Counsel for Plaintiff

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IN THE CIRCUIT COURT FOR Baltimore County (CC)
(City/County)

CIVIL - DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Justice of the Supreme Court of Maryland pursuant to Rule 2-111(a).

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT CASE NUMBER C-03-FM-21-005169 (Clerk to insert)

CASE NAME: Blake Lucas Hadel (Plaintiff) vs. Lynnsey Fullano (Defendant)

PARTY'S NAME: PHONE:

PARTY'S ADDRESS:

PARTY'S E-MAIL:

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Sarah Spitalnick PHONE: (484) 332-0454

PARTY'S ATTORNEY'S ADDRESS: 23 Walker Ave Suite 207 Pikesville MD 21208

PARTY'S ATTORNEY'S E-MAIL: sarahspitalnickesq@gmail.com

☐ I am not represented by an attorney

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known:

PLEADING TYPE

New Case: ☐ Original

Existing Case: ☐ Post-Judgment ☐ Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Issues section.

SPECIAL REQUIREMENTS

☐ Spoken Language Interpreter - **Attach form CC-DC-041**

☐ If you require an accommodation for a disability under the Americans with Disabilities Act - **Attach form CC-DC-049**

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☒ Yes ☐ No

B. Arbitration ☐ Yes ☐ No

C. Settlement Conference ☐ Yes ☐ No

D. Neutral Evaluation ☐ Yes ☐ No

If no, explain why:

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (*Check one box.*)

Domestic Family
- ☐ Alimony/Spousal Support
- ☐ Annulment
- ☐ Breach
- ☐ Child Support - Private
- ☐ Custody
- ☐ Divorce
- ☐ Emancipation
- ☐ Enforce Foreign Order
- ☐ Family Legal/Medical
- ☐ Paternity/Parentage
- ☐ Recognition as Legal Child
- ☐ Visitation

Agency/IV-D
- ☐ Child Support
- ☐ Paternity/Parentage
- ☐ UIFSA

Adoption
- ☐ Adoption - Independent
- ☐ Adoption - Private Agency

Change of Name
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor

Independent Proceedings
- ☐ Amend Birth Certificate
- ☐ Change of Sex
- ☐ Correct Death Certificate
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Amend Marriage Certificate

Guardianship
- ☐ Guardianship of Adult Person and/or Property
- ☐ Guardianship of Minor Person and/or Property

IF NEW OR EXISTING CASE: ISSUES (Check All that Apply)

- ☐ Adoption
- ☐ Alimony/Spousal Support
  - ☐ Permanent
  - ☐ Rehabilitative
- ☐ Amend Birth Certificate
- ☐ Amend Death Certificate
- ☐ Amend Marriage Certificate
- ☐ Annulment
- ☐ Asset Determination
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Sex
- ☐ Child Support
- ☐ Contempt
- ☐ Court Costs/Fees
- ☒ Custody
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Divorce
- ☐ Earnings Withholding
- ☐ Emancipation
- ☐ Enforcement
- ☐ Exceptions
- ☐ Family Legal/Medical
- ☐ Gdnshp of Adult
  - ☐ Person
  - ☐ Property
- ☐ Gdnshp of Minor
  - ☐ Person
  - ☐ Property
- ☐ Paternity/Parentage
- ☐ Pension Distribution
- ☐ Property Distribution
- ☐ Protective Order
- ☐ Register Foreign Order
- ☐ Restore Former Name
- ☐ Termination of Gdnshp
- ☐ Transaction Review
- ☐ Use and Possession
- ☒ Visitation

ESTIMATED LENGTH OF HEARING

(Case will be tracked accordingly.)

Time estimate for a Merits Hearing: _____Hours 1 _____Days

Time estimate for hearing other than a Merits Hearing: _____Hours 1 _____Days

OTHER MATTERS

IS THIS CASE CONTESTED? ☒ Yes ☐ No If yes, which issues appear to be contested?

- ☐ Ground for divorce
- ☒ Child Custody ☒ Visitation
- ☐ Child Support
- ☐ Alimony ☐ Permanent ☐ Rehabilitative
- ☐ Use and possession of family home and property
- ☐ Marital property issues involving:
  - ☐ Valuation of business ☐ Pensions ☐ Bank account/IRA's ☐ Real Property
  - ☐ Other:_____
- ☐ Paternity
- ☐ Adoption/termination of parental rights
- ☐ Other:_____

Request is made for: ☐ Initial Order ☒ Modification ☐ Contempt ☐ Divorce

For non-custody/visitation issues, do you intend to request:

☐ Court-appointed expert (name field)_____ ☐ Initial conference with the court

☐ Mediation by a court-sponsored settlement program ☐ Other:_____

For custody/visitation issues, do you intend to request:

☒ Mediation by a private mediator ☐ Appointment of counsel to represent child (not just to waive psychiatric privilege)

☐ Evaluation by mental health professional

☐ Other Evaluation_____ ☐ A conference with the court

Is there an allegation of physical or sexual abuse of party or child? ☐ Yes ☐ No

02/20/2024
Date

23112901
Signature of Counsel / Party — Attorney Number

Sarah Spitalnick
Printed Name

23 Walker Ave Suite 207
Address

Pikesville MD 21208
City State Zip Code

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BLAKE LUCAS HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
LYNNSEY FULLANO,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-21- 005169

DEFENDANT'S PETITION TO MODIFY CHILD CUSTODY

COMES NOW, the Plaintiff, BLAKE HADEL (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Plaintiff is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That BLAKE HADEL and LYNSSEY FULLANO (hereinafter "Defendant" or "Mother") are the biological parents of one (1) child, namely Tate Joseph Fullano (hereinafter "Minor Child"), born in January of 2020.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on October 4, 2021. *See* Docket Entry 1.
6. On August 24, 2022, the parties signed a Joint Consent Order, which was in cooperated into the Custody and Child Support Order filed on August 24, 2022. In the Petition, which is incorporated by reference, pursuant to Md. Rule 2-303(d)

7. The August 24, 2022, the Order, which is incorporated by reference, pursuant to Md. Rule 2-303(d), gave Defendant Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Defendant. It was ordered that Plaintiff have visitation and access to the minor child and pay child support in the amount of $350.00.

Child Custody

Procedural History

8. Plaintiff was only put on notice that the Minor Child was born months after the Minor Child was born.
9. After Plaintiff met the Minor Child, Defendant stated that she did not notify the Plaintiff that she was pregnant or immediately after the birth of the Minor Child because she was unsure of the paternity of the Minor Child.
10. Plaintiff then requested a paternity test be done on the Minor Child to ensure that the Minor Child was the biological child of the Plaintiff.
11. On or about March 2021, the paternity test for the Minor Child revealed that the Plaintiff is the biological father of the Minor Child.
12. On or about November 2020, Defendant filed for child support and to establishment paternity, Case No. C-03-FM-20-004781.
13. Plaintiff then filed for Child Custody for the Minor Child on or about October 4, 2021.
14. After 10 months of going back and forth in court, Plaintiff and Defendant agreed on the Consent Order dated August 24, 2022.
15. Since the entry of the Custody Order there has been a material change in circumstances which warrants a modification in Child Custody.

Best Interest of the Child

16. For the court to modify a custody order, there must be a material change in circumstances that effects the welfare of the child.

17. Since the Consent Order was put in place there have been material changes in circumstances that effect the welfare of the child. The changes are; the party's inability to communicate and schedule visitation, Defendant's inability to adhere to the current custody order, and the Order is no longer in the best interest of the child.
18. Since the Consent Order was put in place the Defendant has continuously blocked the Plaintiff to where he cannot communicate about the Minor Child in any fashion.
19. Defendant has violated the standing custody order by not allowing the Plaintiff to have visitation at least once a week.
20. Shortly after the custody order was put in place Plaintiff and Defendant set up a weekly visitation schedule where the Plaintiff could have visitation with the Minor Child on Mondays. This visitation schedule did not last long due to the Defendant constantly rescheduling and canceling the visitation last minute.
21. Defendant worked in bad faith when it came to the visitation, as the visitation only revolved around Defendant's convenance, not the best interest of the Minor Child. The Defendant would make changes to the visitation schedule based solely on if she felt like allowing the Plaintiff to have visitation. If the Defendant had schedule conflicts or her other kids were in a bad mood when Plaintiff had scheduled visitation, she would attempt to reschedule last minute or cancel out right.
22. Defendant showed on numerous occasions that if scheduled visitation with the Plaintiff was not convenient for her or her other children that she would either change visitation or cancel it entirely.
23. Defendant and Plaintiff have had constant disagreements on where and how long the visitation should be with the Minor Child.
24. After 6 months of attempting to adhere to the Monday visitation schedule and the Defendant constantly rescheduling or canceling at the last minute, the Plaintiff was having a difficult time being able to bend to the Defendants ever changing visitation.

25. On or about early 2023, Plaintiff stopped fighting with the Defendant when it came to the Monday visitation schedule because of the aggravation it was causing. Around this same time the Defendant started to completely ignore the Plaintiff's calls and texts.
26. Throughout most of 2023, the Defendant has ignored almost all communications from the Plaintiff.
27. The Plaintiff has attempted on multiple instances to contact the Defendant in regard to the whereabouts of the Minor Child, to no avail.
28. Defendant has made it clear to Plaintiff that she would rather Plaintiff pay the child support and never have visitation with the Minor Child. Defendant has communicated this sentiment to Plaintiff and has shown this sentiment by allowing her other children's father, Grant Taylor (hereinafter "Mr. Taylor"), to have weekend visitation with the Minor Child but not Plaintiff.
29. On or about June of 2023, the Defendant and the Minor Child changed residences, from residing in a single apartment with her three children, to residing with her current boyfriend, Brandon Tirado (hereinafter "Mr. Tirado").
30. Defendant did not communicate that the Minor Child had changed residences, even when specifically asked by the Plaintiff.
31. Defendant has moved multiple times with the Minor Child and has never updated the Plaintiff or this court.
32. Defendant has cohabitated with at least two boyfriends, which the Plaintiff only knew about due to mutual friends notifying the Plaintiff.
33. The Plaintiff was only put on notice that the Defendant and the Minor Child had moved because a mutual friend of the Plaintiff's informed him.
34. The Plaintiff was told the Defendant's move was due to the Defendant becoming romantically involved with Mr. Tirado.
35. Since the Defendant's move, Plaintiff has been informed that the Minor Child and the Defendant's other children stay with Mr. Taylor every other weekend.

36. The Defendant goes out of her way to make sure the Plaintiff is not on notice of where the Minor Child resides, the Minor Childs welfare, or who the Minor Child spends significant time with.
37. Plaintiff was recently notified through mutual friends that the Defendant is currently about eight months pregnant with her fourth child.
38. Plaintiff's mutual friend notified him that Defendant and the Minor Childs currently reside with the Defendant's boyfriend, Mr. Tirado, at his home located at 10 Duralumin Ct. Middle River, MD 21220.
39. The home located at 10 Duralumin Ct., is a 2-bedroom 1 bathroom with bonus room home. Which within the next 2 months this home will have to hold Mr. Tirado, the Defendant, and the Defendant's four children.
40. Plaintiff is worried about the Minor Child's welfare, especially now that the Minor Child will be primarily residing in a two-bedroom home with five other individuals.
41. Plaintiff is also worried about the Minor Child spending unsupervised time within Mr. Tirado's care due to him having been convicted of a DUI in early 2023.
42. Plaintiff only signed the Consent Order on August 24, 2022, because he believed at the time the Defendant would allow for visitation every week, Defendant would communicate with Plaintiff on major changes effecting the Minor Child, and Defendant would not put the Minor Child in unsuitable living conditions.
43. With the multiple changes in residences, changes in her living partners, and becoming pregnant all within a year and half, while actively hiding all this information from the Plaintiff, he no longer trusts or believes that the Minor Child is in a stable and satisfactory home.
44. The Defendant has shown her blatant ignorance to adhere to the custody order and her inability to respect a visitation/custody schedule if there is no court order stating specific days and times for visitation. The Defendant was given the last almost two years to show she can respect a court order and respect a visitation schedule not mandated by the court, to which she has shown she cannot.

45. The current custody order is no longer within the best interest of the Minor Child due to the Defendant and Plaintiff's inability to communicate and schedule visitation without a concrete court order, the Defendant's blatant ignorance of the custody order, and Defendant's inability to communicate updates in the Minor Child's life.
46. Plaintiff has attempted to work out a visitation schedule with the Defendant over the past year and a half, to no avail. The Plaintiff does not see any other way, besides updating the custody order, to solidify a permanent custody schedule where he is guaranteed regular visitation of the Minor Child.
47. Plaintiff is a fit and proper parent to have regular custody of the Minor Child.
48. Plaintiff is requesting partial physical custody and joint legal custody of the Minor Child.
49. Plaintiff is requesting to have physical custody of the Minor Child every other weekend.
50. Plaintiff is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
51. It is within the best interest of the Minor Child that Plaintiff has partial physical custody and that Plaintiff and Defendant have joint legal custody.
52. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families.
53. Defendant has communicated to the Plaintiff in the past that she believes it is within the Best Interest of the Minor Child to have a relationship with both his biological parents.
54. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of his family, Defendant's, and not the other, the Plaintiff's.
55. Plaintiff is filing this Petition in good faith and in the best interest of the Minor Child. Plaintiff only wants to be able to be an active father.
56. The Plaintiff knows of no other cases involving the custody of the Minor Child.

WHEREFORE, the Plaintiff respectfully requests:

A. That the Court grant Plaintiff joint legal custody of the Minor Child.

B. That the Court grant Plaintiff shared physical custody of the Minor Child, where the Plaintiff has custody every other weekend of the Minor Child.

C. That Plaintiff be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 207
Baltimore, MD 21208
Phone: (484) 332-0454
CPF #: 2311290138
sarahspitalnickesq@gmail.com
Attorney for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Plaintiff

E-FILED; Baltimore County Circuit Court
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☐ SUPREME COURT OF MARYLAND ☐ APPELLATE COURT OF MARYLAND
☒ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 401 Bosely Ave. Towson MD 21204
Court Address

STATE OF MARYLAND
OR
Telephone 410-887-2601
Case No. C-03-FM-21-005169

Blake Lucas Hadel
Plaintiff/Petitioner
vs.
Lynnsey Fullano
Defendant/Respondent

NOTICE REGARDING RESTRICTED INFORMATION PURSUANT TO RULE 20-201.1

→Please DO NOT use this form to file into the following case types: Adoption, Emergency Evaluation, Extreme Risk Protective Order (ERPO), Guardianship, Juvenile, Gender Declaration, or a Criminal Case in which a Motion to Transfer Jurisdiction to the Juvenile Court is pending. By rule or statute these case types are not subject to inspection.

Title of confidential submission: Financial Statement

☐ 1. **RESTRICTED DOCUMENT - The entire document is not subject to inspection.**

- ☐ **Child Abuse/Neglect:** record created by an agency concerning child abuse or neglect required by statute to be kept confidential. *Rule 16-914(d); Family Law Article, § 5-707; Human Services, § 1-202 and § 1-203*
- ☐ **Financial Information:** information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness. *General Provisions Article, § 4-336*
- ☒ **Financial Statement:** filed pursuant to Rule 9-202, a Child Support Guidelines Worksheet filed pursuant to Rule 9-206, or a Joint Statement of Marital and Non-Marital Property filed pursuant to Rule 9-207. *Rule 16-914(l)*
- ☐ **Hearing Closed to the Public:** recording/transcript of hearing closed to the public. *Rule 16-914(g)*
- ☐ **Marital Property:** Joint Statement of Marital and Non-Marital Property. *Rule 16-914(l)*
- ☐ **Marriage License Application:** until the effective date of the license. *Rule 16-912(c)*
- ☐ **Medical Report:** or other correspondence from a doctor or health care professional. *Rule 16-914(i)*
- ☐ **Parenting Plan/Joint Statement:** prepared and filed under Rules 9-204.1 and 9-204.2. *Rule 16-914(o)*
- ☐ **Peace Order Denied/Dismissed/Consented - Shielded:** case records shielded under Courts Article § 3-1510(b). *Rule 16-914(c)*
- ☐ **Pregnancy - Marriage License Application:** certification of pregnancy of a person under 18 from doctor or nurse practitioner in an application for a marriage license. *Rule 16-912(c)*
- ☐ **Presentence Investigation Report:** (confidential until entered into evidence) *Rule 16-914(f)(6)*
- ☐ **Protective Order Denied/Dismissed/Consented - Shielded:** case records shielded under FL Article § 4-512(b)(2). *Rule 16-914(c)*
- ☐ **Refusal to Testify:** case record maintained under Code, Courts Article, § 9-106 of the refusal of an individual to testify in a criminal action against the individual's spouse. *Rule 16-914(f)(5)*
- ☐ **Sealed or Shielded:** (entire document) by court order. *Rule 16-934 & 16-914(k)(1)*
- ☐ **Sealing or Shielding Motion:** while pending, but not to exceed five (5) business days. *Rule 16-934 & 16-914(k)(2)*
- ☐ **Tax Returns:** state and federal tax returns. *Rule 16-914(j)*
- ☐ **Other:** _____ Rule or Statute: _____
- ☐ **DOCUMENT FROM A CONFIDENTIAL CASE TYPE FILED INTO A NON-CONFIDENTIAL CASE TYPE.**
  Confidential Case type: ☐ **Child Adoption** ☐ **Emergency Evaluation** ☐ **ERPO** ☐ **Guardianship of a Child**
  ☐ **Juvenile Court case record** ☐ **Gender Declaration** ☐ **Other: (explain)** _____

☐ 2. **CONFIDENTIAL INFORMATION - The document itself is subject to public inspection but contains confidential information that is not open to public inspection.**

That information consists of _____.
(Give a description of the information and not the actual restricted information.)

The information is made confidential by Rule(s) _____ or by court order dated _____.

Pursuant to Rules 20-201.1 and 1-322.1, accompanying the document is a redacted version that does not contain the confidential information.

02/20/2024
Date

Signature
Sarah Spitalnick
Printed Name

23112901
Attorney Number

Fax

(484) 332-0454
Telephone Number

sarahspitalnickesq@gmail.com
E-mail

23 Walker Ave.
Address

Pikesville MD 21208
City, State, Zip

E-FILED; Baltimore County Circuit Court
Docket: 4/14/2024 3:40 PM; Submission: 4/14/2024 3:40 PM
Envelope: 16087141

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

BLAKE HADEL	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
LYNNSEY FULLANO	*	CASE NO.: C-03-FM-21-005169
Defendant	*	

* * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Plaintiff, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Defendant, Lynnsey Fullano, by and through her attorney, Myles F. Friedman, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Tate Joseph Fullano, born January 18, 2020.

2. That prior hereto the Plaintiff filed his Petition to Modify Child Custody, and thereafter the Defendant retained counsel who has entered his appearance in this matter.

3. That prior to filing a responsive pleading the Defendant, through her attorney, entered into negotiations and discussions with Plaintiff's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Plaintiff has elected to terminate his parental rights with the minor child, believing that the same is in the best interest of the child.

5. That Plaintiff further covenants and agrees that if and when called upon in the future he will execute the appropriate Consent to Adoption.

6. That the minor child has another father figure that has already taken over all parental responsibilities and claims the minor child as his own.

7. The father figure has been active in the minor child's life since the birth of the

minor child. He has no intentions of vacating the minor child's life and intends on being in the minor child's life as a father indefinitely.

8. That Plaintiff is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the minor child.

9. That both parties understand and agree that Plaintiff's responsibilities to pay child support is hereby terminated.

10. Under the circumstances set forth above, the Plaintiff hereby requests that his Petition be docketed as voluntarily be dismissed.

11. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

_____
Date

_____
JUDGE
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

_____
Blake Hadel

_____
Sarah Spitalnick, Esquire
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
Attorney for Plaintiff

_____
Lynnsey Fullano

_____
Myles F. Friedman, Esquire
AIS#: 6310010025
Friedman & Goldman, LLC
1515 Reisterstown Road, Suite 303
Pikesville, MD 21208
410-484-6060

E-FILED; Baltimore County Circuit Court
Docket: 4/16/2024 8:48 AM; Submission: 4/16/2024 8:48 AM
Envelope: 16104901

BLAKE HADEL	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
LYNNSEY FULLANO	*	CASE NO.: C-03-FM-21-005169
Defendant	*	

* * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Plaintiff, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Defendant, Lynnsey Fullano, by and through her attorney, Myles F. Friedman, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Tate Joseph Fullano, born January 18, 2020.

2. That prior hereto the Plaintiff filed his Petition to Modify Child Custody, and thereafter the Defendant retained counsel who has entered his appearance in this matter.

3. That prior to filing a responsive pleading the Defendant, through her attorney, entered into negotiations and discussions with Plaintiff's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Plaintiff has elected to terminate his parental rights with the minor child, believing that the same is in the best interest of the child.

5. That Plaintiff further covenants and agrees that if and when called upon in the future he will execute the appropriate Consent to Adoption.

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minor child. He has no intentions of vacating the minor child's life and intends on being in the minor child's life as a father indefinitely.

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ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

04/16/2024
Date

JUDGE Patricia DeMaio
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

Blake Hadel

Sarah Spitalnick, Esquire
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
Attorney for Plaintiff

Lynnsey Fullano

Myles F. Friedman, Esquire
AIS#: 6310010025
Friedman & Goldman, LLC
1515 Reisterstown Road, Suite 303
Pikesville, MD 21208
410-484-6060
mff.esq@verizon.net

Entered: Clerk, Circuit Court for
Baltimore County, MD
April 17, 2024

E-FILED; Baltimore County Circuit Court
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BLAKE HADEL	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
LYNNSEY FULLANO	*	CASE NO.: C-03-FM-21-005169
Defendant	*	

* * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Plaintiff, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Defendant, Lynnsey Fullano, by and through her attorney, Myles F. Friedman, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Tate Joseph Fullano, born January 18, 2020.

2. That prior hereto the Plaintiff filed his Petition to Modify Child Custody, and thereafter the Defendant retained counsel who has entered his appearance in this matter.

3. That prior to filing a responsive pleading the Defendant, through her attorney, entered into negotiations and discussions with Plaintiff's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Plaintiff has elected to terminate his parental rights with the minor child, believing that the same is in the best interest of the child.

5. That Plaintiff further covenants and agrees that if and when called upon in the future he will execute the appropriate Consent to Adoption.

6. That the minor child has another father figure that has already taken over all parental responsibilities and claims the minor child as his own.

7. The father figure has been active in the minor child's life since the birth of the

minor child. He has no intentions of vacating the minor child's life and intends on being in the minor child's life as a father indefinitely.

8. That Plaintiff is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the minor child.

9. That both parties understand and agree that Plaintiff's responsibilities to pay child support is hereby terminated.

10. Under the circumstances set forth above, the Plaintiff hereby requests that his Petition be docketed as voluntarily be dismissed.

11. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

04/16/2024
Date

JUDGE Patricia DeMaio
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

Blake Hadel

Sarah Spitalnick, Esquire
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
Attorney for Plaintiff

Lynnsey Fullano

Myles F. Friedman, Esquire
AIS#: 6310010025
Friedman & Goldman, LLC
1515 Reisterstown Road, Suite 303
Pikesville, MD 21208
410-484-6060
mff.esq@verizon.net

Entered: Clerk, Circuit Court for
Baltimore County, MD
April 17, 2024

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C- 03-FM-22- 005009

LINE OF APPEARANCE

Please enter the appearance of Sarah Spitalnick, Esq. as counsel for the Defendant in the above-captioned matter.

Respectfully submitted,

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#:
sarahspitalnickesq@gmail.com
Counsel for the Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information, or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633

IN THE CIRCUIT COURT FOR Baltimore County
(City/County)

CIVIL - DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Justice of the Supreme Court of Maryland pursuant to Rule 2-111(a).

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: ☐ PLAINTIFF ☒ DEFENDANT CASE NUMBER C-03-FM-22- 005009 (Clerk to insert)

CASE NAME: Meghan Maggio (Plaintiff) vs. Blake Hadel (Defendant)

PARTY'S NAME: Blake Hadel PHONE: (443) 695-6990

PARTY'S ADDRESS: 4050 Beach Rd Dundalk Maryland 21222

PARTY'S E-MAIL: blh11@live.com

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Sarah Spitalnick Esq. PHONE: (484) 332-0454

PARTY'S ATTORNEY'S ADDRESS: 2833 Smith Ave., Suite 331 Baltimore Maryland 21209

PARTY'S ATTORNEY'S E-MAIL: sarahspitalnickesq@gmail.com

☐ I am not represented by an attorney

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known:

PLEADING TYPE

New Case: ☐ Original

Existing Case: ☒ Post-Judgment ☐ Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Issues section.

SPECIAL REQUIREMENTS

☐ Spoken Language Interpreter - **Attach form CC-DC-041**

☐ If you require an accommodation for a disability under the Americans with Disabilities Act - **Attach form CC-DC-049**

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☒ Yes ☐ No

B. Arbitration ☐ Yes ☒ No

C. Settlement Conference ☒ Yes ☐ No

D. Neutral Evaluation ☐ Yes ☒ No

If no, explain why:

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (*Check one box.*)

Domestic Family
- ☐ Alimony/Spousal Support
- ☐ Annulment
- ☐ Breach
- ☐ Child Support - Private
- ☐ Custody
- ☐ Divorce
- ☐ Emancipation
- ☐ Enforce Foreign Order
- ☐ Family Legal/Medical
- ☐ Paternity/Parentage
- ☐ Recognition as Legal Child
- ☐ Visitation

Agency/IV-D
- ☐ Child Support
- ☐ Paternity/Parentage
- ☐ UIFSA

Adoption
- ☐ Adoption - Independent
- ☐ Adoption - Private Agency

Change of Name
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor

Guardianship
- ☐ Guardianship of Adult Person and/or Property
- ☐ Guardianship of Minor Person and/or Property

Independent Proceedings
- ☐ Amend Birth Certificate
- ☐ Change of Sex
- ☐ Correct Death Certificate
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Amend Marriage Certificate

IF NEW OR EXISTING CASE: ISSUES (Check All that Apply)

- ☐ Adoption
- ☐ Alimony/Spousal Support
  - ☐ Permanent
  - ☐ Rehabilitative
- ☐ Amend Birth Certificate
- ☐ Amend Death Certificate
- ☐ Amend Marriage Certificate
- ☐ Annulment
- ☐ Asset Determination
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Sex
- ☒ Child Support
- ☐ Contempt
- ☐ Court Costs/Fees
- ☒ Custody
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Divorce
- ☐ Earnings Withholding
- ☐ Emancipation
- ☐ Enforcement
- ☐ Exceptions
- ☐ Family Legal/Medical
- ☐ Gdnshp of Adult
  - ☐ Person
  - ☐ Property
- ☐ Gdnshp of Minor
  - ☐ Person
- ☐ Property
- ☐ Paternity/Parentage
- ☐ Pension Distribution
- ☐ Property Distribution
- ☐ Protective Order
- ☐ Register Foreign Order
- ☐ Restore Former Name
- ☐ Termination of Gdnshp
- ☐ Transaction Review
- ☐ Use and Possession
- ☒ Visitation

ESTIMATED LENGTH OF HEARING

(Case will be tracked accordingly.)

Time estimate for a Merits Hearing: 7 Hours 1 Days

Time estimate for hearing other than a Merits Hearing: 4 Hours 1 Days

OTHER MATTERS

IS THIS CASE CONTESTED? ☒ Yes ☐ No If yes, which issues appear to be contested?

- ☐ Ground for divorce
- ☒ Child Custody ☒ Visitation
- ☒ Child Support
- ☐ Alimony ☐ Permanent ☐ Rehabilitative
- ☐ Use and possession of family home and property
- ☐ Marital property issues involving:
  - ☐ Valuation of business ☐ Pensions ☐ Bank account/IRA's ☐ Real Property
  - ☐ Other:
- ☐ Paternity
- ☐ Adoption/termination of parental rights
- ☐ Other:

Request is made for: ☐ Initial Order ☒ Modification ☐ Contempt ☐ Divorce

For non-custody/visitation issues, do you intend to request:

☐ Court-appointed expert (name field) ☐ Initial conference with the court

☐ Mediation by a court-sponsored settlement program ☐ Other:

For custody/visitation issues, do you intend to request:

- ☐ Mediation by a private mediator
- ☒ Evaluation by mental health professional
- ☐ Other Evaluation
- ☐ Appointment of counsel to represent child (not just to waive psychiatric privilege)
- ☐ A conference with the court

Is there an allegation of physical or sexual abuse of party or child? ☐ Yes ☐ No

11/27/2023
Date

23 Walker Ave Suite 207
Address

Baltimore MD 21208
City State Zip Code

Signature of Counsel / Party 2311290138
Attorney Number

Sarah Spitalnick
Printed Name

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633
Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted info1mation, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2023 a copy of the foregoing Petition to Modify Custody and Child Support, Civil Domestic Case Information Report, Notice of Restricted Information, Line of Appearance, and Financial Statement was sent via first class, postage prepaid U.S. Mail to:

Meghan Maggio
7295 Jenna Drive
Marriotsville, Maryland 21104

Sarah Spitalnick Esq.
Attorney for Defendant

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

MEGHAN MAGGIO,	)	IN THE
Plaintiff	)	CIRCUIT COURT
v.	)	FOR
BLAKE HADEL,	)	BALTIMORE COUNTY
Defendant	)	Case No: C-03-FM-22- 005009

DECLARATIOIN OF BRENDA HADEL

I, Brenda Hopka- Hadel, the undersigned do swear and affirm under the penalty of perjury that I have voluntarily allowed and will allow my son, Blake Hadel, and his minor daughter, Sofia Lynn Hadel, to reside with me at my home when Blake has custody of Sofia. I have a bedroom in my home designated specially for Sofia and her needs. My home is suitable for Sofia to reside in while under the custody of Blake. I intend to allow Blake and Sofia to reside at my home indefinitely.

Blake is a good and responsible father to Sofia. Blake not having any custody of Sofia has been hard not only on him but also on me and my family. Me and my family want to build a relationship with Sofia so that she can have a relationship with both sides of her family.

11-19-23

Date

Brenda Hopka-Hadel

Brenda Hopka-Hadel

6715 German Hill Road

Baltimore MD, 21222

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Entry of Appearance 11/30/23.**

☐ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☒ The submission does not have the filer's address, e-mail address, telephone number, or the **attorney's identifying Attorney Number** registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 12/1/2023 with envelope 14672633.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____

Date Judge

cc:

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Petition to Modify Child Support and Custody 11/30/23.**

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☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☒ The submission does not have the filer's address, e-mail address, telephone number, or the **attorney's identifying Attorney Number** registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 12/1/2023 with envelope 14672633.

Julie L. Ensor
Clerk of the Circuit Court

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Date Judge

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401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).

☒ The submission contains ☒ one document ☐ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1). **Notice was filed but Title of Confidential Submission line was left blank.**

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Julie L. Ensor
Clerk of the Circuit Court

E-SERVED Baltimore County Circuit Court 12/1/2023 11:33 AM System SystemEnvelope:14682419
E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 11:33 AM; Submission: 12/1/2023 11:33 AM
Envelope: 14682419

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
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MEGHAN MAGGIO VS. BLAKE HADEL

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MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

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Date Judge

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E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 11:33 AM; Submission: 12/1/2023 11:33 AM
Envelope: 14682419

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

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Docket: 12/1/2023 11:33 AM; Submission: 12/1/2023 11:33 AM
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CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Case Number: C-03-FM-22-005009
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

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Julie L. Ensor
Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 12:26 PM; Submission: 12/1/2023 12:26 PM
Envelope: 14683415

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I **SOLEMNLY SWEAR AND AFFIRM** under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2023 a copy of the foregoing Petition to Modify Custody and Child Support, Civil Domestic Case Information Report, Notice of Restricted Information, Line of Appearance, and Financial Statement was sent via first class, postage prepaid U.S. Mail to:

Meghan Maggio
7295 Jenna Drive
Marriotsville, Maryland 21104

Sarah Spitalnick Esq.
Attorney for Defendant

E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 12:26 PM; Submission: 12/1/2023 12:26 PM
Envelope: 14683415

Exhibit A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

E-FILED; Baltimore County Circuit Court
Docket: 1/4/2024 12:49 PM; Submission: 1/4/2024 12:49 PM
Envelope: 14991333

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS DEFENDANTS PETITION TO MODIFY CHILD SUPPORT AND CHILD CUSTODY

TO THE HONORABLE JUDGE:

Defendant, Blake Hadel, respectfully opposes Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody.

PRELIMINARY STATEMENT

Defendant opposes the Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody (hereinafter "The Petition"). Defendant is specifically opposed to Plaintiff's assertion that Defendant did not meet his burden of proving a material change in circumstance has occurred since the entering of the Original Custody Order dated April 7, 2023, and thus the Petition should be dismissed according to Md. Rule 2-322(b)(2) for failure to state a claim which relief can be granted. According to *Wagner v. Wagner,* to obtain a modification of custody, the moving party must prove that there has been a material change in circumstances. *Wagner v. Wagner*, 109 Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). A material change in circumstance is one which affects the welfare of the child. *Gillespie v. Gillespie*, 206 Md. App 146, 171 (Md. Ct. Spec. App. 2012). "[I]n the more frequent case . . . there will be some evidence of changes which have occurred since the earlier [custody] determination was made. Deciding whether those changes are sufficient to require a change in custody necessarily requires

a consideration of the best interest of the child. Thus, the question of "changed circumstances" may infrequently be a threshold question, but is more often involved in the "best interest" determination…" *Id.* The change in circumstances must have arisen after the original custody hearing to avoid relitigating an issue or allowing a disgruntled parent to modify a fair custody agreement *McCready v. McCready*, 323 Md. 476 (Md. 1991). But "[w]hile custody decrees are never final in Maryland, any reconsideration of a decree should emphasize changes in circumstances which have occurred subsequent to the last court hearing. Even this general statement may be subject to exception in the case of prior facts existing but unknown and not reasonably discoverable at the time of the entry of the original order…" *Id.* at *476, 481-482.*

In this present case, Plaintiff's Motion to Dismiss should be rejected out of hand due to Defendant easily pleading material changes in circumstances that affects the welfare of the child. Defendant plead that he has determined that when he has custody of the Minor Child he will have custody at his mother's home, not his own, which is a change that has occurred subsequent to the April Custody Order. Defendant has also plead bad faith on part of the Plaintiff that could not have been discovered prior to or at the time of the Default hearing in March of 2023. Lastly Defendant has plead that the Custody Order that has been in place since April of 2023, has not been shown to be in the best interest of the Minor Child, mainly that the Defendant has not been able to see or spend time with the Minor Child nearly as much as he was able to before the Order was put in place. In Plaintiff's Motion to Dismiss, Plaintiff has specifically ignored all material changes that were plead in The Petition.

For those reasons, the Court should deny the Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody.

BACKGROUND

Plaintiff, MEGHAN MAGGIO, and Defendant, BLAKE HADEL, have one (1) minor child in common, namely, Sofia Lynn Hadel, born March 2021 ("Minor Child"). From birth to present, Minor Child has primarily resided with Plaintiff at 7295 Jenna Drive, Marriottsville, Maryland 21104. Plaintiff and Minor Child live with Plaintiff's parents and siblings. Minor Child and Plaintiff had previously resided with Defendant on a partial basis. Minor Child has also spent time alone with the Defendant at his residence prior to the Custody Order that went into place in April 2023.

On or about September 9, 2022, Plaintiff filed a Complaint for Custody requesting sole legal and physical custody of the Minor Child, as well as child support.

On or about November 28, 2022, Plaintiff filed a Request for Order of Default. An Order of Default was signed by the Honorable Judge Michael S. Barranco on or about November 28, 2022.

On March 22, 2023, a default hearing was held before Magistrate Farace. At the hearing Plaintiff appeared with her counsel, witness Ms. Kimmett, and gave testimony and produced evidence that led Magistrate Farace to determine that Plaintiff is a fit parent to have sole legal and physical custody of the Minor Child, and that Defendant was an unfit parent. Defendant was not present at the hearing on March 22, 2023.

On or about March 23, 2023, Magistrate Farace issued her Report and Recommendations in which she recommended that it is in the best interest of the child for Plaintiff to have sole legal and primary physical custody of the Minor Child, that visitation between the Minor Child and Defendant shall be determined by the Plaintiff. In addition, due to the lack of information about

the Defendant's income, the Magistrate calculated child support after finding that "Father is capable of at least earning full-time minimum wage which is $2,296.67 a month."

Neither the Defendant nor the Plaintiff filed Exceptions to the Recommendations of the Magistrate in accordance with Maryland Rules 9-208(f). By the time Defendant received the Report and Recommendation, it was already past the deadline in which he could file an objection.

On April 6, 2023, the Honorable Judge Michael J. Finifter signed the final Order, fully adopting the Recommendations of the Magistrate.

On April 20, 2023, Defendant filed a Petition to Modify Custody in which he requested that this Honorable Court modify the existing Custody Order to award him visitation with the Minor Child as well as a change in child support. Defendant filed this Petition to Modify Custody at the behest of the Plaintiff so that they could jointly modify the April Custody Order to reflect the custody arrangement they both agreed to outside of court.

Plaintiff responded to this Petition and filed a Motion to Dismiss which was granted by the Honorable Judge Battista on June 21, 2023.

On or about July 25, 2023, Plaintiff filed a Petition for Contempt for non-payment of child support.

On or about September 29,2023, almost two months after Plaintiff filed her Petition for Contempt, the court ordered that Plaintiff had twenty days from September 29, 2023, to serve Defendant with the Petition for Contempt.

On or about October 24, 2023, the court dismissed Plaintiff's Petition for Contempt due to lack of service and closed the case.

On or about December 1, 2023, Defendant filed a second Petition to Modify Custody and Child Support. Plaintiff was served December 11, 2023. Defendant's Petition to Modify Custody is incorporated by reference, pursuant to Md. Rule 2-303(d).

On or about December 21,2023, Plaintiff filed a Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody and filed a Memorandum of Law (hereinafter "Memorandum") supporting her Motion to Dismiss. Plaintiff's Motion to Dismiss is incorporated by reference, pursuant to Md. Rule 2-303(d). Within her Memorandum, Plaintiff states that she has "maintained contact with both Defendant and his family concerning the Minor Child. Although the Plaintiff has offered Defendant opportunities for visitation, the Defendant has chosen not to see the child since last Easter which was April 9, 2023." Defendant has not chosen to not see the Minor Child; Plaintiff has made the opportunities for visitation either with little advanced notice or where the visitation would involve the Plaintiff and Defendant being together. Defendant has made it clear to Plaintiff that he does not want to be physically near the Plaintiff due to her prior assault and her constant stalking of him. The only reason Defendant has not seen the Minor Child since April of 2023 was due to the Plaintiff not offering plausible visitation.

Plaintiff has stated in her Memorandum "Plaintiff has made arrangements with Defendant's mother for visitation for the Christmas holiday." Plaintiff did in fact make arrangements for Defendant and Defendant's mother to spend Christmas Eve with the Minor Child. But when Defendant's mother contacted Plaintiff on Christmas Eve to drop off the Minor Child, Plaintiff refused to allow Defendant and/or his mother to have visitation with the Minor Child on Christmas Eve. She stated that due to the Defendant filing a Protective Order against her she no longer will allow the Minor Child to spend time with Defendant or his mother. Plaintiff also stated, "Despite best efforts to co-parent and to encourage a relationship between the Defendant and Minor Child,

Defendant remains focused on defaming Plaintiff and reducing child support." As seen on Christmas Eve, Plaintiff has not made her best efforts in co-parenting or encouraging a relationship with the Minor Child. Defendant has repeatedly requested the Plaintiff to give earlier notice of possible visitation, have visitation where the Defendant and Plaintiff are not together, or have a schedule for visitation not just whenever it's convenient for the Plaintiff. All of which have been ignored by the Plaintiff. Defendant does want to modify the child support, but his main focus is getting shared custody of the Minor Child. Defendant has never engaged this court or filed anything for the purpose of defaming Plaintiff, he is solely focused on gaining shared custody of the Minor Child.

On or about December 12, 2023, Defendant filed a Petition for a Protective Order against Plaintiff based on a physical assault, stalking, and harassment. Defendant was given a temporary protective order that was in effect from December 12, 2023, to December 19, 2023. (District Court for Baltimore County case no. D-08-FM-23-829061)

On or about December 19, 2023, a hearing on the protective order was held before Honorable Judge Pate. The final protective order was denied.

On or about January 3, 2024, Defendant filed a timely appeal to the Baltimore County Circuit Court to appeal Judge Pate's ruling to deny the Defendant's final protective order. Plaintiff stated in her Memorandum "In an effort to intimidate Plaintiff, on or about December 6, 2023, Defendant filed for a protective order". In no way did the Defendant file for the protective order to intimidate Plaintiff, he filed for a protective order due to his fear for his safety because of Plaintiffs' behavior of assaulting and stalking him.

LEGAL STANDARD

Md. Rule 2-322

Pursuant to Md. Rule 2-322(b)(2), "The following defenses may be made by motion to dismiss filed before the answer, if an answer is required:… (2) failure to state a claim upon which relief can be granted,…" Pursuant to Md. Rule 2-322(c) "If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501."

Modification of Custody and Child Support Orders

When the court decides whether to modify a custody order the court must find that there is a material change in circumstances. *Wagner v. Wagner,* 109 Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). A material change is a change that **"**The circumstances to which change would apply would be the circumstances known to the trial court when it rendered the prior order. If the actual circumstances extant at that time were not known to the court because evidence relating thereto was not available to the court, then the additional evidence of actual (but previously unknown) circumstances might also be applicable in respect to a court's determination of change." *Id at 28*. A material change in circumstance is one which affects the welfare of the child. *Gillespie v. Gillespie*, 206 Md. App 146, 171 (Md. Ct. Spec. App. 2012). "[I]n the more frequent case . . . there will be some evidence of changes which have occurred since the earlier [custody] determination was made. Deciding whether those changes are sufficient to require a change in custody necessarily requires a consideration of the best interest of the child. Thus, the question of

"changed circumstances" may infrequently be a threshold question, but is more often involved in the "best interest" determination, where the question of stability is but a factor, albeit an important factor, to be considered." *Id.* "if a court concludes, on sufficient evidence, that an existing provision concerning custody or visitation is no longer in the best interest of the child and that the requested change is in the child's best interest, the materiality requirement will be satisfied." *Barrett v. Ayres,* 186 Md. App. 1, 19.

The court uses the material change in circumstances standard to avoid parties relitigating issues that have already been resolved *McMahon v. Piazze*, 162 Md. App. 588, 596 (Md. Ct. Spec. App 2005). The moving party for modification must plead new evidence to prove a material change in circumstances, again to avoid relitigating of previously resolved matters McCready v. McCready, 323 Md. 476 (Md. 1991). New evidence can either be new facts or events that have occurred since the Order was put in place or "prior facts existing but unknown and not reasonably discoverable at the time of the entry of the original order." *Id.*at 476, 481-482.

"In almost all cases, it is in the best interests of the child to have reasonable maximum opportunity to develop a close and loving relationship with each parent." *Gordon v. Gordon* 174 Md. App. 583, 638. Courts have all agreed that it is well within the best interest of the child to have as much time as possible with both parents, and it is not within the child best interest to be kept from one parent.

ANALYSIS

Defendant opposes' Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Custody and Child Support because Defendant has easily proven that there have been material changes in circumstances since the April Custody Order.

The Plaintiff, in her Motion to Dismiss, has completely ignored the material changes that were plead in The Petition. Defendant had plead multiple material changes in circumstances, which Plaintiff has either ignored or attempted to have dismissed on the basis of relitigating. Plaintiff argues that the Defendant has not plead new evidence of a change in circumstances and that everything that was plead in The Petition is the Defendant attempting to relitigate already settled issues. Plaintiff also argues that since the Defendant was not present at the March hearing, he cannot address anything that was plead or testified to at the hearing. For Defendant to survive the Motion to Dismiss, he must only show that The Petition had plead a material change in circumstances *Wagner v. Wagner,* 109 Md. App. 1,28, 674 A.2d 1 (1996). The Petition alleges a material change in circumstances in regards to the home in which the Minor Child would stay while in the custody of the Defendant, the Plaintiff has testified and acted in bad faith, and the Order has been shown to not be in the best interest of the Minor Child since the Defendant has barely been able to have visitation with the Minor Child since the Order was put in place. Therefore, the Court should deny Plaintiff's Motion to Dismiss.

1. Change in Defendant's residence as it relates to having custody of the Minor Child

At the time of the custody hearing in March of 2023, Defendant had planned on being at his primary residence when he would have visitation or custody of the Minor Child. On or about late April of 2023 Defendant decided it would be in the best interest of both his family and the Minor Child that when he has custody of the Minor Child it should be at his mother's residence. Defendant believes that the Minor Child should not only have a strong bond with himself, but also his family. Defendant's mother has a suitable residence for the Minor Child, with the Minor Child

having her own bedroom. Defendant's mother has signed a sworn declaration stating she is allowing the Defendant and the Minor Child to stay at her residence when the Defendant has custody of the Minor Child. *See* Exhibit A. A change in residence can be considered a material change in circumstances that effects the welfare of the child and warrant a custody order modification. *Domingues v. Johnson*, 323 Md. 486, 500.

Therefore, The Petition has plead a material change in circumstance that will warrant a modification in the custody order and barring The Petition from being dismissed based on Md. Rule 2-322(b)(2) failure to state a claim in which relief can be granted.

2. Defendant has plead that the current Custody Order is no longer in the best interest of the Minor Child.

a. Plaintiff testified in bad faith at the March 22, 2023, hearing, which could not have been known to the Defendant or the court at the time the hearing took place.

Plaintiff has argued that the Defendant cannot show a material change in circumstances when it relates to testimony or pleadings the Plaintiff gave due to him not being present at the March 2023 hearing. The Plaintiff is correct in arguing that the Defendant cannot relitigate issues already decided by this court since he was not present at the March hearing. But the Plaintiff has failed to understand that the Defendant is not relitigating issues already decided, he is producing newfound evidence that shows bad faith on the part of the Plaintiff that he would not have had the ability to know at the time of the March hearing. New evidence can be either new facts or events that have occurred post the Order being in place or "prior facts existing but unknown and not reasonably discoverable at the time of the entry of the order" McCready v. McCready, 323 Md. 476, 481-482 (Md. 1991).

Defendant has plead that since the entry of the Order, Plaintiff has shown through her communications with him that she testified in bad faith. Plaintiff, on multiple occasions, has stated to Defendant that she wants to modify the custody and child support order. On or about April 13, 2023, Plaintiff had contacted Defendant about modify the custody order that went in place April 7, 2023. Plaintiff not only told Defendant to file for modification and that she will consent to it, but also showed Defendant exactly how to fill out the modification form and what to write in the petition. *See* Exhibit B. Plaintiff not only encouraged but walked the Defendant through the modification form so that they could change the custody order. *See* Exhibit B. Defendant would have never filed for this modification in April if Plaintiff did not encourage him to do so.

On or about May 10, 2023, Plaintiff had sent the Defendant "the packet", which refers to a joint statement of parties concerning decision making authority and parenting time. Plaintiff had filled out the entire form on her own, Defendant did not in any way harass or coerce Plaintiff into filling out this form. It can be seen through text communications between the two parties, that Plaintiff is the one initiating this packet and the one filling it out. Plaintiff can be seen working with Defendant to create a custody plan that they are both confrontable with. *See* Exhibit C. On or about the same day, Defendant contacted Plaintiff regarding her Answer to his modification petition. Plaintiff stated she did not answer the modification petition, when in reality her and her counsel had filed an answer followed by a motion to dismiss. *See* Exhibit D. When Defendant addressed Plaintiff about her answer and motion to dismiss, Plaintiff lied and stated she did not file those documents and that she was still interested in filing the joint statement of parties concerning decision making authority and parenting time. *See* Exhibit D. Plaintiff not only encouraged Defendant to file for modification but went as far as to harass him to fill out the forms to change the custody and child support. *See* Exhibit E. Nowhere in the communications between

the Plaintiff and Defendant around this time did Plaintiff ever state to Defendant that she is fearful of him, that the Minor Child is not safe around him, or that he is unfit to have regular custody of the Minor Child.

After the March hearing Plaintiff had contacted Defendant twice to have him watch the Minor Child by himself without supervision. On or about April 1, 2023, Plaintiff had contacted Defendant requesting him to watch the Minor Child at his home for a few hours in the afternoon *See* Exhibit F. Then on or about July 22, 2023, Plaintiff again contacted Defendant to watch the Minor Child in his gym's daycare so Plaintiff could go to an appointment *See* Exhibit G. These requests were made after Plaintiff testified in court that she didn't believe Defendants home was suitable, that he was a danger to her and the Minor Child, and that he is unfit to have the Minor Child alone. Plaintiff showed that her testimony at the March hearing was untruthful and did not accurately reflect the true situation that existed at the time.

Plaintiff has shown through her communications with Defendant post-custody order, that she not only believes that joint custody is in the best interest of the Minor Child, but what she testified in court to her reasons to have sole custody, she was not being truthful. The discovery that the Plaintiff testified in bad faith at the March hearing could not have been known at the time of the hearing. These discoveries could have only been made after the hearing took place. Since these discoveries could have only been made after the Order was given, they can be used as evidence for a material change in circumstances and not considered a mere attempt to relitigate the March hearing McCready v. McCready, 323 Md. 476, 481-482 (Md. 1991).

b. <u>The Minor Child has spent almost not time with the Defendant due to visitation be solely in Plaintiffs deference.</u>

It is well established that the best interest of the child is to spend the maximum amount of time with both parents to be able to build a bond with the child *Gordon v. Gordon* 174 Md. App. 583, 638. Since the entry of the April Order, not only has the Minor Child barely been able to be around the Defendant, but also since the Defendant hasn't seen the Minor Child, he has lost his ability to build a bond with the Minor Child. The main reason for the Defendant not having visitation with the Minor Child is due to the Plaintiff's behavior. Over the last 8 months the Plaintiff has only offered visitation to the Defendant on a last second notice, where the Defendant would be alone with the Minor Child, or where the visitation included the Defendant and Plaintiff to be together. Defendant has made it very clear to the Plaintiff that he is more than willing to have visitation with the Minor Child if he has more than a last second notice or have it not involve the Plaintiff and Defendant being together, which both requests the Plaintiff has completely ignored.

The April Order gave Plaintiff total control over whether or not the Minor Child can have visitation with the Defendant. Plaintiff has showed on numerous occasions that she has not acted within the best interest of the Minor Child, she simply does what is convenient for her. Plaintiff is more concerned with using the Minor Child to create a relationship with Defendant then doing what is best for the Minor Child.

On or about May 6, 2023, Plaintiff had contacted Defendant concerning Mother's Day and what Defendant, if anything, was planning to do for her on Mother's Day. Defendant told Plaintiff that he would be at his mother's residence and that he would like to have the Minor Child. Plaintiff responded stating she wanted to have the Minor Child for Mother's Day and Defendant agreed to avoid an argument. Plaintiff then responds in an aggressive manner addressing the Defendant spending his money on dates with other girls but not on her for Mother's Day, to which Defendant never responded. *See* Exhibit H. Plaintiff is easily seen through this communication with

Defendant that she was not concerned with the Minor Child's wellbeing for Mother's Day, just what Defendant would do for her.

Then on or about December 24, 2023, Defendant's mother had made arrangements with Plaintiff to have the Minor Child with her and Defendant to celebrate Christmas. When Defendant's mother contacted Plaintiff about the exchange of the Minor Child, Plaintiff revoked the visitation because Defendant had filed a protective order against her. With this revocation at the last minute solely due to Defendant filing a protective order against her, it shows that Plaintiff was not doing what is best for the Minor Child, she was doing what was best for herself.

With Plaintiff being given all the control to decide when and where Defendant can have visitation, the court assumed and trusted that she would do everything she could to foster a relationship between the Minor Child and Defendant and do what was best for the Minor Child, regardless of her feelings towards the Defendant *Gordon v. Gordon* 174 Md. App. 583, 638. Plaintiff has shown over the last 8 months she is not putting the Minor Child's best interest first when it comes to visitation with Defendant. Every time Defendant has taken any actions or steps to gain regular custody of the Minor Child, attempt to distance himself from her, or create other romantic relationships with other women, the Plaintiff either withholds the Minor Child from Defendant and Defendant's family or makes any opportunity for visitation very difficult.

Since Plaintiff has consistently shown over the course of the last 8 months that she is not putting the best interest of the Minor Child first when it comes to visitation, the current custody order is no longer in the best interest of the Minor Child, creating a material change in circumstances that is affecting the wellbeing of the Minor Child. "if a court concludes, on sufficient evidence, that an existing provision concerning custody or visitation is no longer in the best interest

of the child and that the requested change is in the child's best interest, the materiality requirement will be satisfied." *Barrett v. Ayres,* 186 Md. App. 1, 19.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Defendant respectfully requests that this Court DENY the Plaintiff's Motion to Dismiss.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January 2024, a true and correct copy of the foregoing Opposition to Plaintiffs' Motion to Dismiss and Proposed Order was sent via MDEC to:

Jocelyne Gresock
The Women's Law Center
102 W. Pennsylvania Ave., Ste. 100
Towson, Maryland 21204
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

- ☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).
- ☒ The submission contains ☒ one document ☐ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1).
- ☐ The submission contains ☐ one document ☐ multiple documents with restricted information, and you did not file both an unredacted and a redacted version of the submission for each. (Md. Rules 20-101.1 and 20-201.1(c)).
- ☐ The submission does not contain sufficient information for the court to determine the correct case number. (Md. Rule 20-203(a)(3)(B)).
- ☐ The submission consists of discovery material which you intend to file into the case file. Discovery material may be filed electronically as a "service only" transaction. (Md. Rule 20-206).
- ☐ The filing includes a request to place a document included in the submission under court seal and does not contain either an existing order or an attached motion and proposed order. (Md. Rule 20-203(f)(3).
  NOTE: A submission refiled within fourteen (14) days after this notice is sent will relate back to the filing of the rejected submission.

Additional information concerning the Maryland Electronic Courts (MDEC) system and e-filing can be found on the Judiciary website at mdcourts.gov/mdec/efiling

Julie L. Ensor
Clerk of the Circuit Court

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

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Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 1/8/2024 10:18 AM; Submission: 1/8/2024 10:18 AM
Envelope: 15016595

Exhibit A

MEGHAN MAGGIO,	)	IN THE
Plaintiff	)	CIRCUIT COURT
v.	)	FOR
BLAKE HADEL,	)	BALTIMORE COUNTY
Defendant	)	Case No: C-03-FM-22- 005009

DECLARATIOIN OF BRENDA HADEL

I, Brenda Hopka- Hadel, the undersigned do swear and affirm under the penalty of perjury that I have voluntarily allowed and will allow my son, Blake Hadel, and his minor daughter, Sofia Lynn Hadel, to reside with me at my home when Blake has custody of Sofia. I have a bedroom in my home designated specially for Sofia and her needs. My home is suitable for Sofia to reside in while under the custody of Blake. I intend to allow Blake and Sofia to reside at my home indefinitely.

Blake is a good and responsible father to Sofia. Blake not having any custody of Sofia has been hard not only on him but also on me and my family. Me and my family want to build a relationship with Sofia so that she can have a relationship with both sides of her family.

11-19-23

Date

Brenda Hopka-Hadel

Brenda Hopka-Hadel

6715 German Hill Road

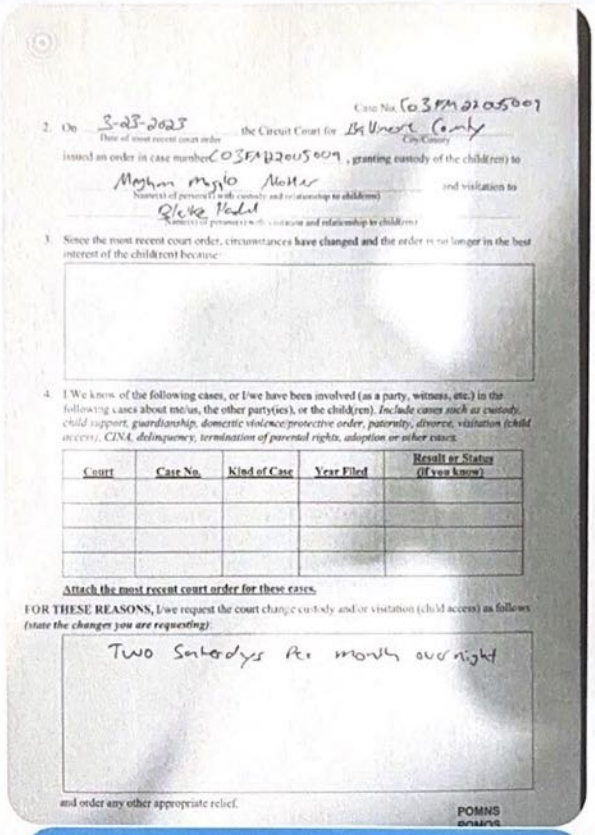
Baltimore MD, 21222

10:55

53

MM

Meghan



Case No. C03FM22005009

2. On 3-23-2023 (Date of most recent court order) the Circuit Court for Baltimore County (City/County)

issued an order in case number C03FM22005009, granting custody of the child(ren) to

Meghan Miglio Mother (Name(s) of person(s) with custody and relationship to child(ren))

and visitation to

Ricky Vidal (Name(s) of person(s) with visitation and relationship to child(ren))

3. Since the most recent court order, circumstances have changed and the order is no longer in the best interest of the child(ren) because:

4. I/We know of the following cases, or I/we have been involved (as a party, witness, etc.) in the following cases about me/us, the other party(ies), or the child(ren). *Include cases such as custody, child support, guardianship, domestic violence/protective order, paternity, divorce, visitation (child access), CINA, delinquency, termination of parental rights, adoption or other cases.*

Court	Case No.	Kind of Case	Year Filed	Result or Status (If you know)

Attach the most recent court order for these cases.

FOR THESE REASONS, I/we request the court change custody and/or visitation (child access) as follows *(state the changes you are requesting)*:

Two Saturdays A month overnight

and order any other appropriate relief.

POMNS

What do you want me to put in that box?

Well put father next to your name. You missed relationship you child on line 2

And you spelled Saturday wrong in that box

OK I'll change it. What should I write for number three

You need to be more specific for the for these reasons section.

iMessage

10:57

53

MM

Meghan

Mon, Apr 17 at 2:56 PM

An update? Did you turn it in?

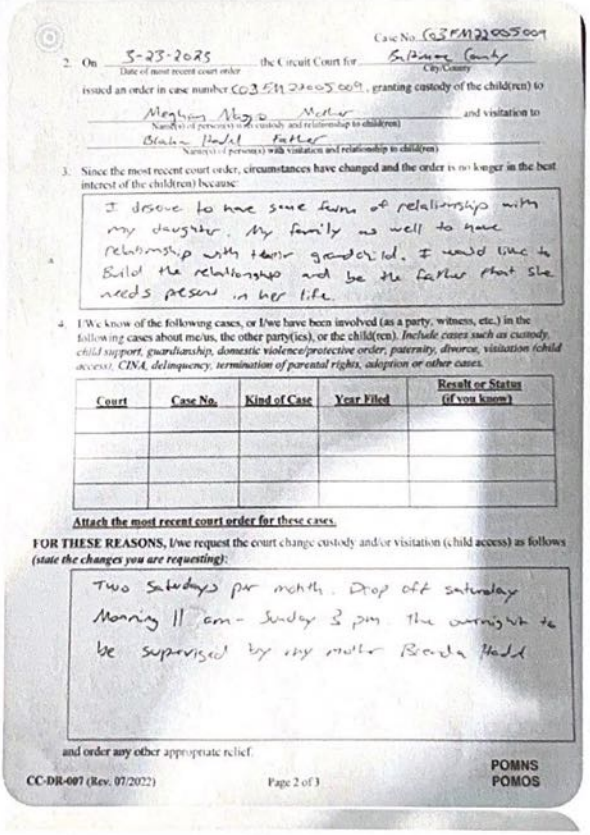
Tomorrow morning

Can I ask why it keeps getting pushed?

I'm almost back to finish filling it out

Can u send food then

Mon, Apr 17 at 4:25 PM



Case No. C03FM22005009

2. On 5-23-2025 (Date of most recent court order) the Circuit Court for Baltimore County (City/County) issued an order in case number C03FM22005009, granting custody of the child(ren) to Meghan Nicole Mother (Name(s) of person(s) with custody and relationship to child(ren)) and visitation to Blake Hadel Father (Name(s) of person(s) with visitation and relationship to child(ren))

3. Since the most recent court order, circumstances have changed and the order is no longer in the best interest of the child(ren) because:

I desire to have some form of relationship with my daughter. My family as well to have relationship with their grandchild. I would like to build the relationships and be the father that she needs present in her life.

4. I/We know of the following cases, or I/we have been involved (as a party, witness, etc.) in the following cases about me/us, the other party(ies), or the child(ren). *Include cases such as custody, child support, guardianship, domestic violence/protective order, paternity, divorce, visitation /child access/, CINA, delinquency, termination of parental rights, adoption or other cases.*

Court	Case No.	Kind of Case	Year Filed	Result or Status (if you know)

Attach the most recent court order for these cases.

FOR THESE REASONS, I/we request the court change custody and/or visitation (child access) as follows *(state the changes you are requesting)*:

Two Saturdays per month. Drop off saturday Morning 11 am - Sunday 3 pm. The overnight to be supervised by my mother Brenda Hadel

and order any other appropriate relief.

CC-DR-007 (Rev. 07/2022) Page 2 of 3 POMNS POMOS

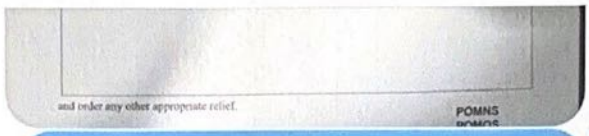
+ iMessage

10:56

53

MM

Meghan



What do you want me to put in that box?

Well put father next to your name. You missed relationship you child on line 2

And you spelled Saturday wrong in that box

OK I'll change it. What should I write for number three

You need to be more specific for the for these reasons section.

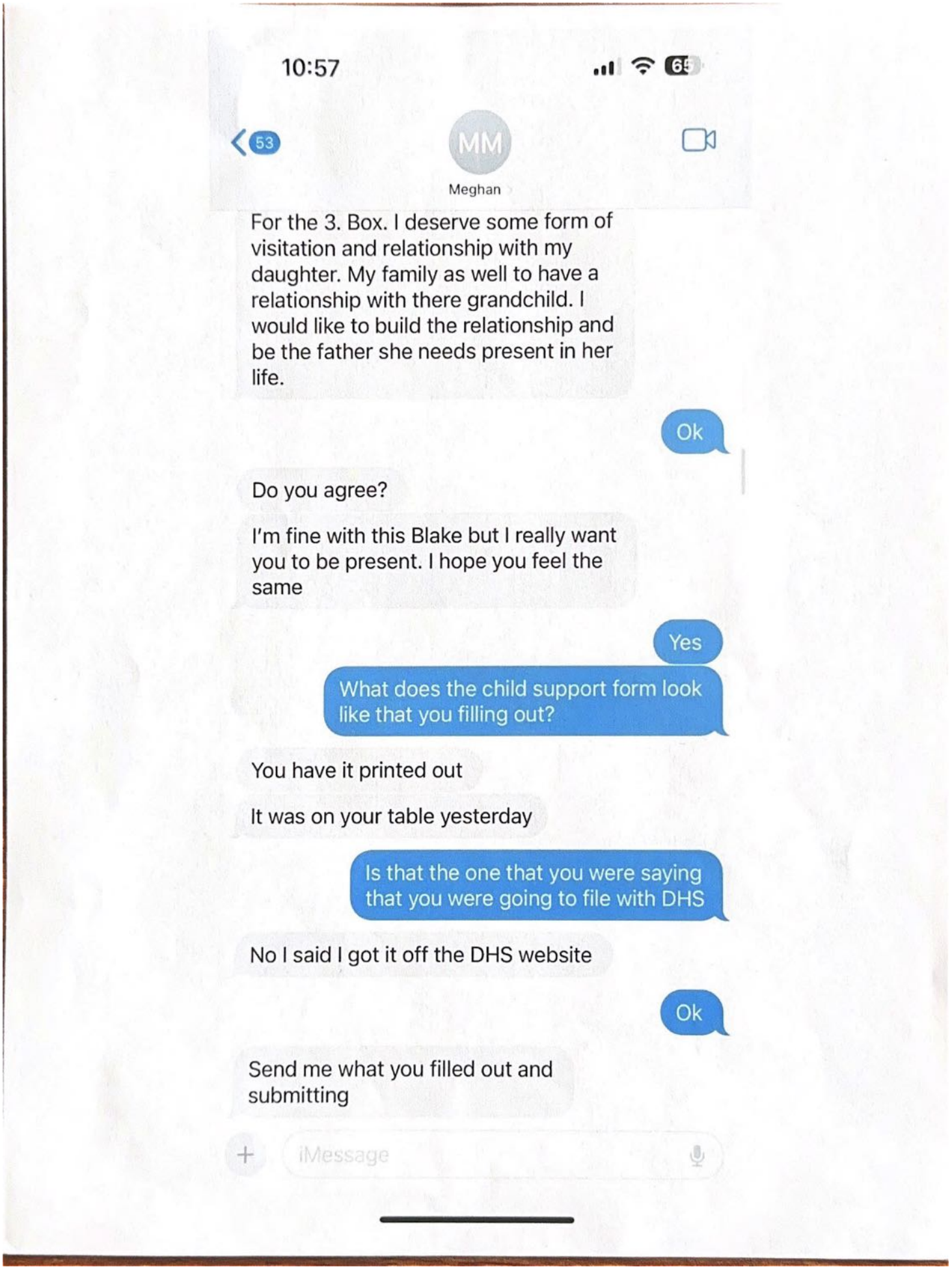
What do you want me to put?

Two saturdays per month, drop off Saturday morning at 11am- Sunday 3pm. The overnight to be supervised by my mother;Brenda Hadel.

For the 3. Box. I deserve some form of visitation and relationship with my daughter. My family as well to have a relationship with there grandchild. I would like to build the relationship and be the father she needs present in her life.

Ok

iMessage


10:57
53
MM
Meghan
For the 3. Box. I deserve some form of visitation and relationship with my daughter. My family as well to have a relationship with there grandchild. I would like to build the relationship and be the father she needs present in her life.
Ok
Do you agree?
I'm fine with this Blake but I really want you to be present. I hope you feel the same
Yes
What does the child support form look like that you filling out?
You have it printed out
It was on your table yesterday
Is that the one that you were saying that you were going to file with DHS
No I said I got it off the DHS website
Ok
Send me what you filled out and submitting
iMessage

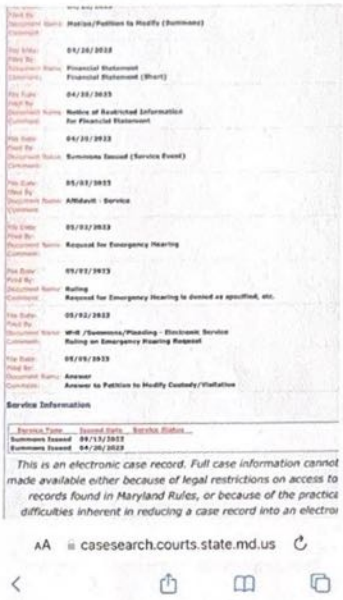
10:09

78

52

MM

Meghan


Motion/Petition to Modify (Summons)

04/20/2023

Financial Statement

Financial Statement (Short)

04/20/2023

Notice of Restricted Information for Financial Statement

04/20/2023

Summons Issued (Service Event)

05/02/2023

Affidavit - Service

05/02/2023

Request for Emergency Hearing

05/02/2023

Ruling

Request for Emergency Hearing is denied as specified, etc.

05/02/2023

Ruling on Emergency Hearing Request

05/05/2023

Answer

Answer to Petition to Modify Custody/Visitation

Service Information

Service Type	Issued Date	Service Status
Summons Issued	04/13/2023	
Summons Issued	04/20/2023	

This is an electronic case record. Full case information cannot made available either because of legal restrictions on access to records found in Maryland Rules, or because of the practica difficulties inherent in reducing a case record into an electroi

AA casesearch.courts.state.md.us

What was your answer to petition?

Idk I never gave an answer. I saw it was denied and that was it. I also haven't gotten anything in the mail

Have you?

The emergency hearing is denied you idiot

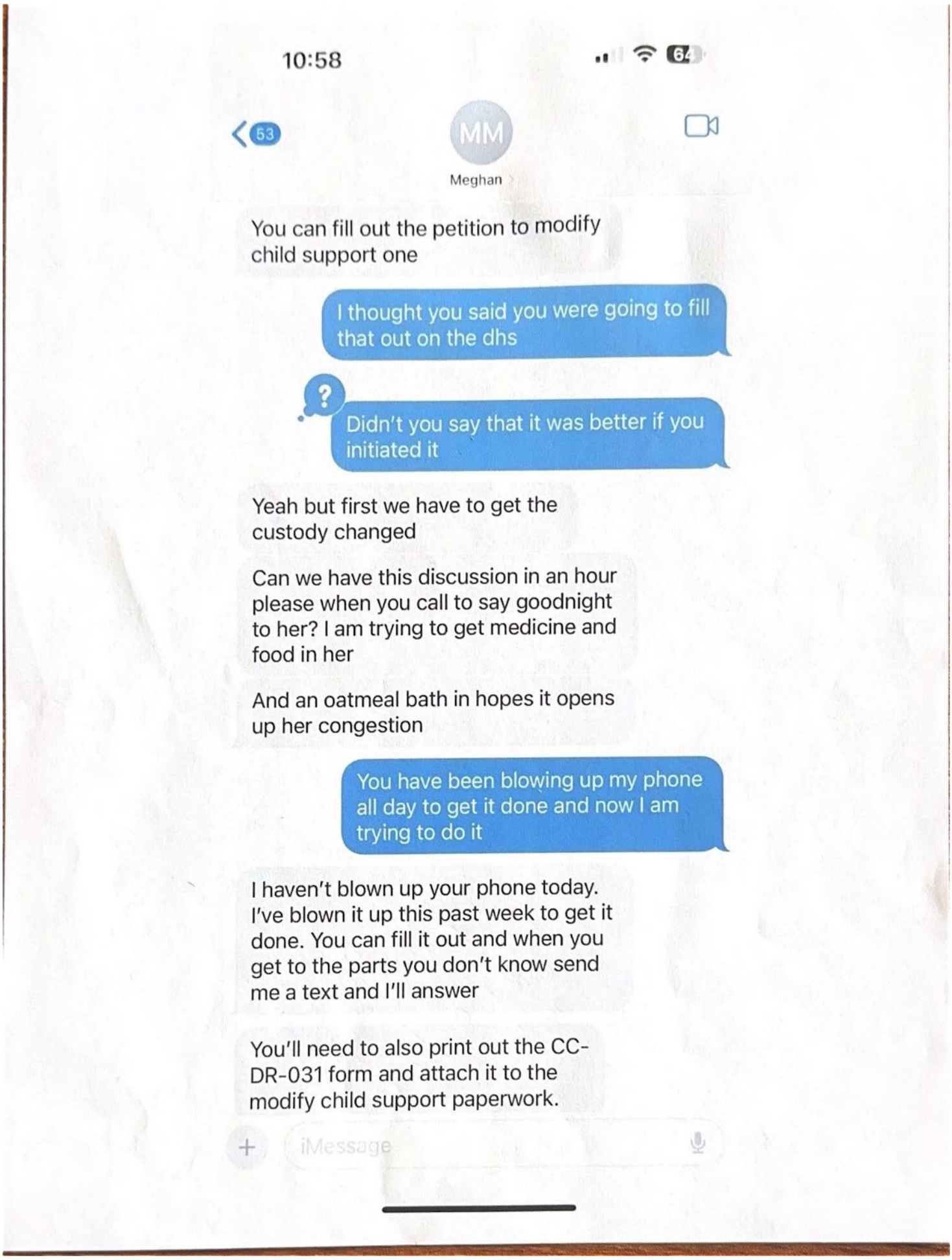
Now it's going to take longer

Why are you calling me names....

Maybe the judge or clears made an answer? I didn't

Thu, May 11 at 9:56 AM

iMessage


10:58
64
53
MM
Meghan
You can fill out the petition to modify child support one
I thought you said you were going to fill that out on the dhs
?
Didn't you say that it was better if you initiated it
Yeah but first we have to get the custody changed
Can we have this discussion in an hour please when you call to say goodnight to her? I am trying to get medicine and food in her
And an oatmeal bath in hopes it opens up her congestion
You have been blowing up my phone all day to get it done and now I am trying to do it
I haven't blown up your phone today. I've blown it up this past week to get it done. You can fill it out and when you get to the parts you don't know send me a text and I'll answer
You'll need to also print out the CC-DR-031 form and attach it to the modify child support paperwork.
+
iMessage

10:39

52

MM

Meghan

Fri, Mar 31 at 6:49 PM

Should I cancel your groceries or are you going to be home in time tomorrow morning to get them

You said you were making that room Sofias again.... Not moving in another roommate...?

I'll ft at 8

Yes

She's in the tub right now

I'm sorry but this isn't going to work out. I wish you the best in life and I hope you are really happy.

Agreed

Can you Zelle me back for dinner pls

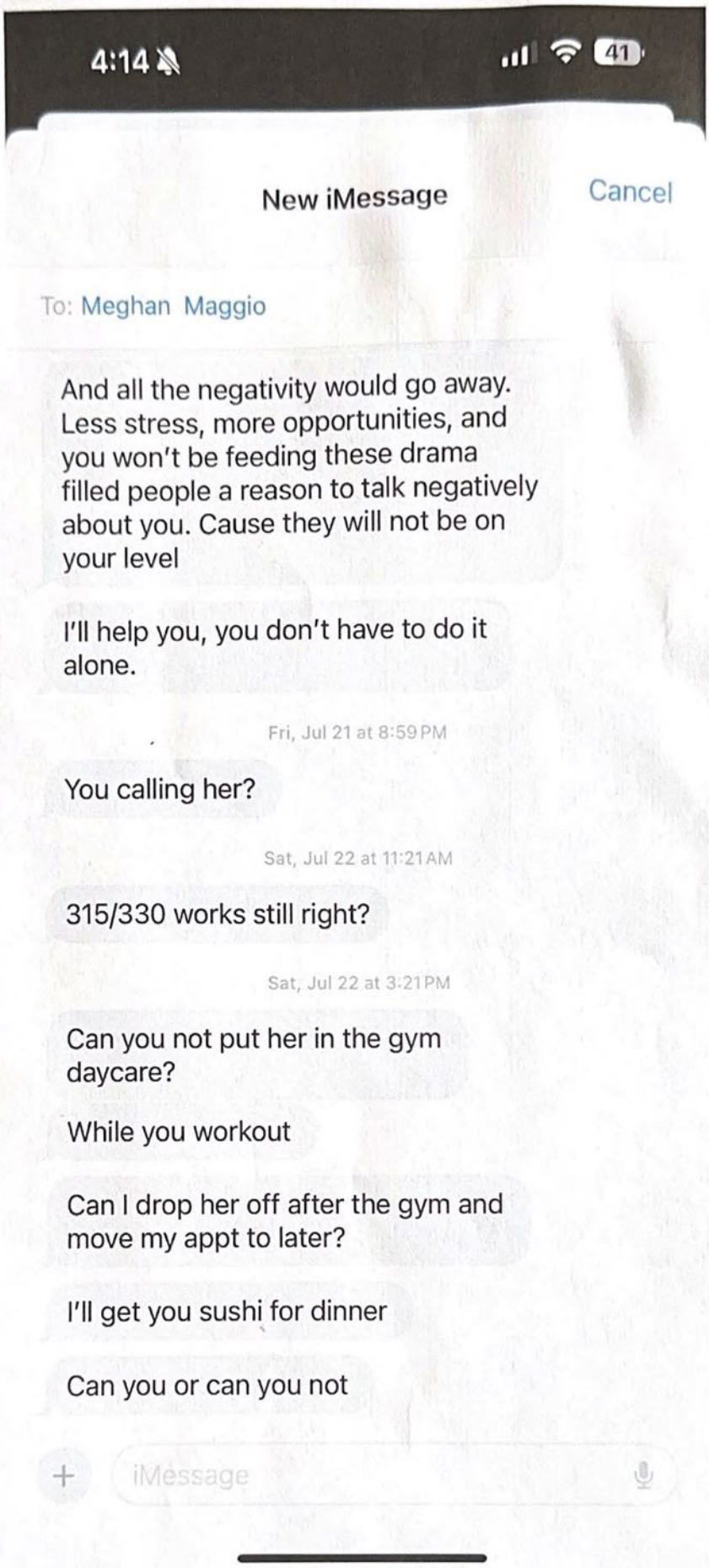
Is it unblocked?

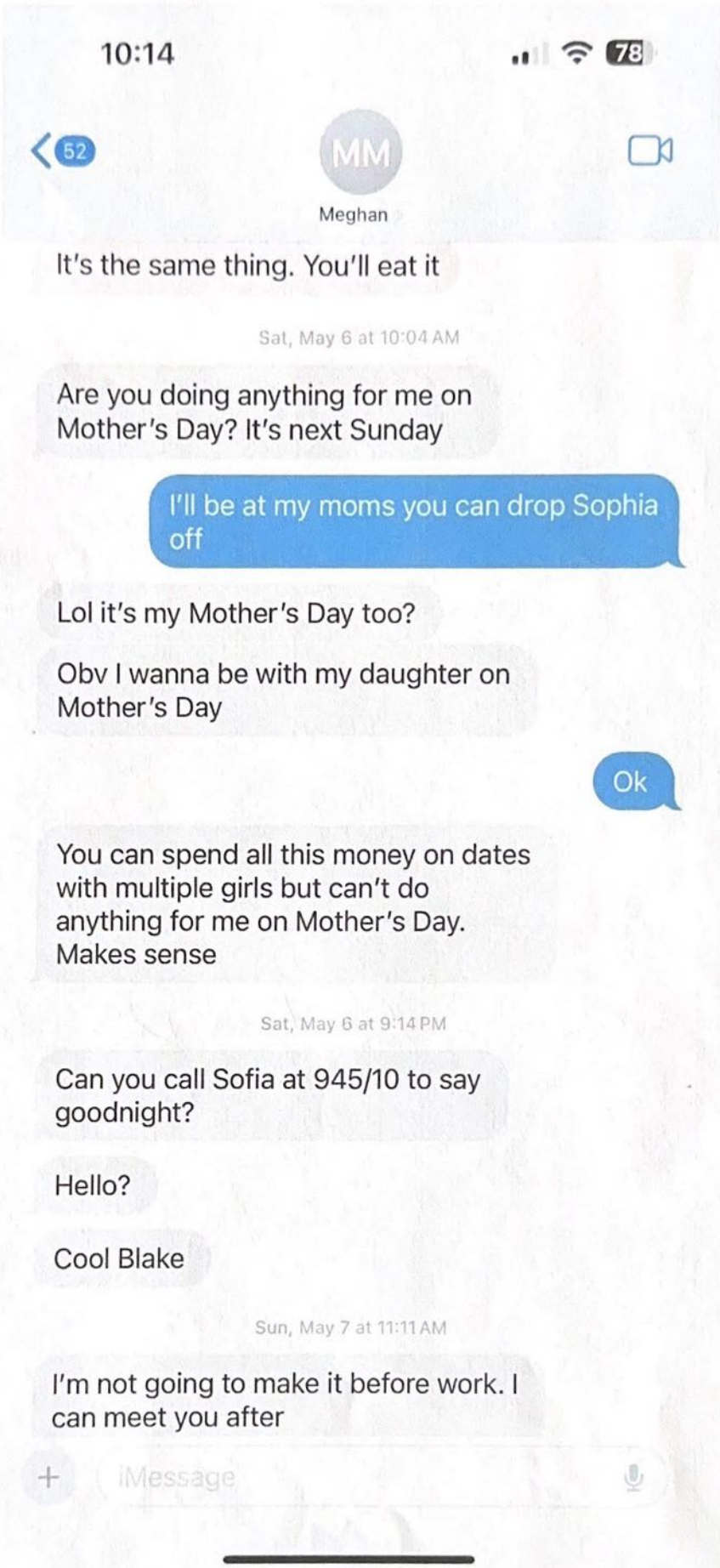
Sat, Apr 1 at 8:36 AM

Do you want Sofia this afternoon for a few hours

Sat, Apr 1 at 10:05 AM

iMessage


4:14
41
New iMessage
Cancel
To: Meghan Maggio
And all the negativity would go away. Less stress, more opportunities, and you won't be feeding these drama filled people a reason to talk negatively about you. Cause they will not be on your level
I'll help you, you don't have to do it alone.
Fri, Jul 21 at 8:59 PM
You calling her?
Sat, Jul 22 at 11:21 AM
315/330 works still right?
Sat, Jul 22 at 3:21 PM
Can you not put her in the gym daycare?
While you workout
Can I drop her off after the gym and move my appt to later?
I'll get you sushi for dinner
Can you or can you not
iMessage


10:14
78
52
MM
Meghan
It's the same thing. You'll eat it
Sat, May 6 at 10:04 AM
Are you doing anything for me on Mother's Day? It's next Sunday
I'll be at my moms you can drop Sophia off
Lol it's my Mother's Day too?
Obv I wanna be with my daughter on Mother's Day
Ok
You can spend all this money on dates with multiple girls but can't do anything for me on Mother's Day. Makes sense
Sat, May 6 at 9:14 PM
Can you call Sofia at 945/10 to say goodnight?
Hello?
Cool Blake
Sun, May 7 at 11:11 AM
I'm not going to make it before work. I can meet you after
iMessage

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22-005009

DEFENDANT'S MOTION FOR REASONABLE ATTORNEYS' FEES

Defendant BLAKE HADEL, by and through his attorney, Sarah Spitalnick Esq., hereby file this Motion for Reasonable Attorneys' Fees pursuant to MD Rule 1-341(a)(b), and states as followed:

1. Defendant filed his second Petition to Modify Custody and Child Support on or about December 1, 2023 (hereinafter "The Petition").
2. Plaintiff was served with The Petition at her residence located at 7295 Jenna Drive Marriottsville MD, on or about December 11, 2023.
3. Plaintiff filed her Answer and Motion to Dismiss Defendant's Petition to Modify Custody and Child Support on or about December 21, 2023.
4. Defendant filed his timely Opposition to Plaintiff's Motion to Dismiss on or about January 4, 2024.
5. On or about January 12, 2024, the Court had DENIED Plaintiff's Motion to Dismiss and denied Plaintiff's request for a hearing on the Motion to Dismiss.
6. Within The Petition, Defendant had plainly plead facts that warrant a modification to a custody or child support order. The Petition clearly plead facts that show a material change in circumstances, the standard for a modification in custody or child support.

7. “Rule 1-341 requires a court to make two separate findings, each with different, but related, standards of review. The judge must first find that the conduct of a party during a proceeding, in defending or maintaining the action, was without substantial justification or was done in bad faith” *Inlet Assocs. V. Harrison Inn Inlet, Inc.,* 324 Md. 254, 267-68, 596 A.2d 1049, 1056 (1991). Next, the judge must separately find that the acts committed in bad faith or without substantial justification warrant the assessment of attorney's fees.*Id.*
8. According to Md. Code, FL§ 7-107(a)-(d), when the court finds that Rule 1-341 is satisfied the court must then look to the financial statues of both parties involved in the custody suit to make sure that the award of attorney’s fees will not harm one of the parties that cascaded to the minor child. The court must find that the offending party will not be financially harmed to the point where the offending party will not be able to reasonably care for the child financially.
9. Plaintiff has filed her Motion to Dismiss without substantial justification. The Petition had clearly plead material changes in circumstances in regard to change of Defendants residence, the discovery of Plaintiff’s bad faith testimony at the March default hearing, and showing that the current custody order is no longer within the best interest of the child.
10. Defendant’s Counsel spent 17.6 hours, at $150.00 an hour, drafting the Opposition to the Motion to Dismiss. Defendant’s Counsel spent 5.2 hours, at $150.00 an hour, drafting the Motion for Reasonable Attorney’s Fees and Memorandum of Law in Support of the Motion for reasonable Attorney’s Fees.

11. The attached Memorandum of Law is incorporated by reference, pursuant to Md. Rule 2-303(d).
12. Plaintiff is fit and proper to pay Defendant's reasonable counsel fees that he incurred from defending against Plaintiff's frivolous Motion to Dismiss and from drafting this Motion for Reasonable Attorney's Fees and Memorandum of Law.

WHEREFORE, for the foregoing reasons, Defendant respectfully moves pursuant to Rule 1-341 and Md. Code, FL§ 7-107(a)-(d), that this Honorable Court award Plaintiff $3,420.00 in reasonable attorney's fees.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, a true and correct copy of the foregoing Motion for Reasonable Attorney's Fees, Memorandum of Law in Support of the Motion for Reasonable Attorney's Fees and Proposed Order was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
8 North Court St., Ste A
Westminster, MD 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

Exhibit A

E-FILED; Baltimore County Circuit Court
Docket: 12/20/2023 12:58 PM; Submission: 12/20/2023 12:58 PM
Envelope: 14875596

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY
102 West Pennsylvania Avenue, Suite 100 Towson, MD 21204
phone 410-321-8761 fax 410-321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: December 20, 2023

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

E-FILED; Baltimore County Circuit Court
Docket: 9/9/2022 10:35 AM; Submission: 9/9/2022 10:35 AM

C-03-FM-22-005009

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY

305 West Chesapeake Avenue, Suite 201 Towson, MD 21204
phone 410 321-8761 fax 410 321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: September 9, 2022

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I **SOLEMNLY SWEAR AND AFFIRM** under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

E-FILED; Baltimore County Circuit Court
Docket: 12/21/2023 2:38 PM; Submission: 12/21/2023 2:38 PM
Envelope: 14893166

EXHIBIT A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9*-208, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22-005009

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR REASONABLE ATTORNEYS' FEES

Now comes Defendant, BLAKE HADEL, by and through his attorney, Sarah Spitalnick Esq., and submits the following Memorandum of Law in support of his Motion for Reasonable Attorney's Fees.

PRELIMINARY STATEMENT

According to Rule 1-341, a judge must first find that the conduct of a party during a proceeding, in defending or maintaining the action, was without substantial justification or was done in bad faith" *Inlet Assocs. V. Harrison Inn Inlet, Inc.,* 324 Md. 254, 267-68, 596 A.2d 1049, 1056 (1991). Next, the judge must separately find that the acts committed in bad faith or without substantial justification warrant the assessment of attorney's fees.*Id.* Once Rule 1-341 is satisfied the court must look to Md. Code, FL§ 7-107(a)-(d) in determining if an award of reasonable attorney's fees would be appropriate. The court will look at the financial statues' and needs of both parties involved in the custody dispute.

With this present case the Plaintiff, Meghan Maggio (hereinafter "Plaintiff") filed her Motion to Dismiss without substantial justification. Defendant, Blake Hadel (hereinafter

"Defendant") clearly plead material changes in circumstances in his second Motion to Modify Child Custody and Child Support (hereinafter "Def. Pet." or "the Petition"). In the Petition, which is incorporated by reference, pursuant to Md. Rule 2-303(d), Defendant clearly plead a change in residence, Plaintiff's bad faith testimony that could only be discovered after the default hearing on or about March 22, 2023, and the current custody order is no longer in the best interest of the Minor Child. All these allegations were specific and/or supported by exhibits.

Within this present case, if the court is to award the Defendant his attorney's fees, he incurred by defending Plaintiff's Motion to Dismiss and drafting this Motion for Reasonable Attorney's Fees, the court must find that Plaintiff is fit to pay the reasonable fees. Plaintiff, up until January 22, 2024, has not incurred any legal expenses due to only being represented by an attorney that took her case on a Pro Bono basis. *See* Exhibit A. Plaintiff resides at her parents' home, where she does not pay rent or utilities. Plaintiff is gainfully employed making $3,120.00 a month while also receiving $860.00 in child support from the Defendant every month.

Plaintiff filed her Motion to Dismiss without substantial justification and Plaintiff has incurred no legal fees up until January 22, 2024, while the Defendant has incurred legal fees in excess of $5,000.00 thus far in initiating and defending the Petition. Plaintiff makes $3,120.00 a month, while the Defendant only makes $1,049.00 and pays the Plaintiff $860.00 a month in child support. Thus, Defendant should be awarded his attorney's fees of $3,420.00 he incurred defending against Plaintiff's frivolous Motion to Dismiss and drafting this Motion for Reasonable Attorney's fees.

LEGAL STANDARD

To award attorney's fees in a custody matter the court must find that the offending party violated Rule 1-341 and that both parties' financial status and financial needs are brought into

account and do not violate Md. Code, FL§ 7-107(a)-(d). Rule 1-341 states that a party satisfies the rule if a party took action to defend or maintain any action without substantial justification or in bad faith. If the court finds that Rule 1-341 is satisfied then the court will look to Md. Code, FL§ 7-107(a)-(d) and determine whether the award is reasonable and justified by bringing into account both parties' financial status and needs.

The court has defined substantial justification as "a reasonable basis for believing that a case will generate a factual issue for the fact-finder at trial." and "the parties position should be "fairly debatable" and "within the realm of legitimate advocacy." *Inlet Assos. v. Harrison Inn Inlet, Inc.,* 324 Md. 254, 268.

The courts consider attorney's fees justified if they are "reasonable, taking into account such factors as labor, skill, time, and benefit afforded to the client, as well as the financial resources and needs of each party." *Comfield v. Ferta,* 2022 Md. App. LEXIS 679, *19. The court must balance the parties' financial status and needs "in order to determine [each party's] ability to pay the award to the other; a [mere] comparison of incomes is not enough." *Davis v. Petito,* 425 Md. 191, 205, 39 A. 3d 96 (2012). The court must bring into account both parties incomes, financial obligations, harm the offending party might suffer from the award, if the award would negatively cascade down to the Minor Child's wellbeing, etc….*Id.*

ANALYSIS

Within the Petition, the Defendant plead clear material changes in circumstances or at minimum plead facts that generate a factual issue for a factfinder at trial to determine. The Defendant's only burden in filing the Petition, to avoid having the Petition dismissed based on Md. Rule 2-322(b)(2) (failure to state a claim in which relief can be granted), is that he plead a material change in circumstances effecting the Minor Childs welfare. *Wagner v. Wagner,* 109

Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). The Defendant clearly plead not one but three different material changes in circumstances that affect the welfare of the Minor Child. The Defendant plead change of residence, bad faith by the Plaintiff, and the standing custody order is no longer in the best interest of the Minor Child. Some of the material changes in circumstances were not only plead but reenforced by exhibits showing the changes in circumstances. *See* Exhibit B.

In Plaintiff's Motion to Dismiss, which is incorporated by reference, pursuant to Md. Rule 2-303(d), she argues that the entire Petition should be dismissed based on the argument that everything that was plead was merely relitigating already decided issues or that no argument was given in support of an allegation. Defendant does not need to offer argument or proof of every single one of his allegations in the Petition, as long as the allegations plead are not vague and creates a plausible cause for relief sought *Wensel v. Zettergren,* 2018 Md. App. LEXIS 26, *62.

Within the Petition, Defendant pleads material changes in circumstances that relates to actions taken by Plaintiff well after the standing custody order was in place, that could not have been brought before or during the default hearing in March 2023. Plaintiff states "Defendant is unable to state a claim upon which relief may be granted. Rather, he is attempting to relitigate the same matter of custody in the case in which he refused to participate by either filing a response or appearing at the hearing". Specifically, the change of residence (Def. Pet., P 19,20), Plaintiff's bad faith (Def. Pet., P 39,41-43,45), and the order no longer being in the Minor Childs best interest (Def. Pet., P 39,47,48,49) were plead as occurring after the standing custody order. Some of these allegations are shown through Exhibits D-F attached to the Petition.

The only arguments Plaintiff proffered in her Motion to Dismiss to defend the dismissal was that Defendant didn't plead proof or argument for allegations and that all the allegations are attempts to relitigate issues already decided, both arguments are not substantially justified. The only way to have a petition to modify custody or child support dismissed on a motion to dismiss is if *all* allegations in the Petition do not plead a material change in circumstances *Wensel v. Zettergrn,* 2018 Md. App. LEXIS 26, *65 (*citing Ricketts v. Ricketts*, 393 Md. 479, 492, 903 A.2d 857 (2006)). Since there were clearly multiple changes in circumstances plead in the Petition, Plaintiff's Motion to Dismiss was filed without substantial justification and satisfies Md. Rule 1-341.

In regard to Md. Code, FL§ 7-107(a)-(d), with Md. Rule 1-341 being satisfied, we look to the financial statues and financial needs of both parties. The court must balance the parties' financial status and needs "in order to determine [each party's] ability to pay the award to the other; a [mere] comparison of incomes is not enough." *Davis v. Petito,* 425 Md. 191, 205, 39 A. 3d 96 (2012). Both Plaintiff and Defendant are gainfully employed, while the Plaintiff makes significantly more than the Defendant. The monthly income for Plaintiff is $3,120.00, and Defendant's is $1,049.00. *See* Exhibit C and D. Defendant has monthly expenses that the Plaintiff does not have. Defendant has a mortgage, pays for utilities, phone bill, car payment, child support and everyday expenses of living on his own. While the Plaintiff resides at her parents' residence, where she does not pay rent, utilities, or any other expense that comes with living on her own. Plaintiff receives $860.00 a month in child support from the Defendant. *See* Exhibit E. Plaintiff, up until January 2024, has not had to pay any legal fees as they relate to this present case, while the Defendant has incurred $5,105.00 in legal fees since filing the Petition. Almost half of the Defendant's legal fees were a result of defending against Plaintiff's frivolous

Motion to Dismiss. As of February 1, 2024, Plaintiff has retained counsel not on a Pro Bono basis, showing that Plaintiff has the ability to pay legal fees.

The courts consider attorney's fees justified if they are "reasonable, taking into account such factors as labor, skill, time, and benefit afforded to the client, as well as the financial resources and needs of each party." *Comfield v. Ferta,* 2022 Md. App. LEXIS 679, *19. Defendant's legal fees were $2,640.00 for drafting his Opposition to Plaintiff's Motion to Dismiss and $780.00 for drafting Defendant's Motion for Reasonable Attorney's Fees. Defendant's counsel spent 17.3 hours preparing and drafting Defendant's Opposition and 5.2 hours drafting Defendant's Motion for Reasonable Attorney's Fees and Memorandum of Law. *See* Exhibit F. Defendant's counsel has attached both her invoices which shows exactly how much time was spent on preparing and drafting Defendant's Opposition and drafting Defendant's Motion for Reasonable Attorney's Fees and Memorandum of Law. *See* Exhibit G. According to U.S.Dist.Ct.Rules Md. App. B(3)(a) "Lawyers admitted to the bar for less than five (5) years: $150-225." Defendant's counsel was admitted to the bar in November 2023 and her hourly fee is $150.00. Defendant's counsel falls well within the reasonable hour fee structure the U.S. District Court for Maryland lays out. This case is in the Circuit Court for Maryland but can be assumed the counsel fee structure would be similar to the U.S. District Court for Maryland. Defendant was reasonable in filing an Opposition to Plaintiff's Motion to Dismiss since if he did not his petition would have been dismissed. If the Defendant wanted to continue with his intention of gaining custody of his daughter, he had to file an Opposition to Plaintiff's Motion to Dismiss.

Plaintiff and Defendant's financial status and needs have been evaluated and it can be seen that Plaintiff is in a better financial status then Defendant, Plaintiff satisfied Rule 1-341,

Defendant was justified in filing his Opposition to Plaintiff's Motion to Dismiss, and Defendant's counsel fees are reasonable for the work done; thus the court should awarded Defendant his reasonable attorney's fees according to Md. Code, FL§ 7-107(a)-(d).

CONCLUSION

As stated above, Plaintiff filed her Motion to Dismiss without substantial justification satisfying Md. Rule 1-341. Taking into account both Plaintiff and Defendant's financial statues and needs according to Md. Code, FL§ 7-107(a)-(d), Plaintiff is fit to pay Defendant's counsel fees he incurred in defending against her frivolous Motion to Dismiss and drafting this Motion for Reasonable Attorney's Fees and Memorandum of Law.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, a true and correct copy of the foregoing Motion for Reasonable Attorney's Fees, Memorandum of Law in Support of the Motion for Reasonable Attorney's Fees and Proposed Order was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
8 North Court St., Ste A
Westminster, MD 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

Exhibit A

E-FILED; Baltimore County Circuit Court
Docket: 12/20/2023 12:58 PM; Submission: 12/20/2023 12:58 PM
Envelope: 14875596

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY
102 West Pennsylvania Avenue, Suite 100 Towson, MD 21204
phone 410-321-8761 fax 410-321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: December 20, 2023

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

E-FILED; Baltimore County Circuit Court
Docket: 9/9/2022 10:35 AM; Submission: 9/9/2022 10:35 AM

C-03-FM-22-005009

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY

305 West Chesapeake Avenue, Suite 201 Towson, MD 21204
phone 410 321-8761 fax 410 321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: September 9, 2022

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

Exhibit B

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I **SOLEMNLY SWEAR AND AFFIRM** under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

Exhibit D

E-FILED; Baltimore County Circuit Court
Docket: 12/21/2023 2:38 PM; Submission: 12/21/2023 2:38 PM
Envelope: 14893166

EXHIBIT A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9*-208, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

Exhibit E

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 2/9/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Notice of restricted information 2/8/2024.**

☒ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 2/9/2024 with envelope 15365233.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____
Date Judge

cc:

William Bradley Bauhof
Sarah Spitalnick

E-SERVED Baltimore County Circuit Court 2/9/2024 1:40 PM System SystemEnvelope:15374849
E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 1:40 PM; Submission: 2/9/2024 1:40 PM
Envelope: 15374849

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 2/9/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

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☐ The exhibit(s) are not identified using the drop-down menu provided.

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☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

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☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 2/9/2024 with envelope 15365233.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____
Date Judge

cc:

William Bradley Bauhof
Sarah Spitalnick

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

- ☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).
- ☒ The submission contains ☐ one document ☒ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1). **Exhibits C and G were submitted in the same pdf as their corresponding Notices of Restricted Information. Each confidential document requires a Notice of Restricted information scanned separately from the document it was filed with.**
- ☐ The submission contains ☐ one document ☐ multiple documents with restricted information, and you did not file both an unredacted and a redacted version of the submission for each. (Md. Rules 20-101.1 and 20-201.1(c)).
- ☐ The submission does not contain sufficient information for the court to determine the correct case number. (Md. Rule 20-203(a)(3)(B)).
- ☐ The submission consists of discovery material which you intend to file into the case file. Discovery material may be filed electronically as a "service only" transaction. (Md. Rule 20-206).
- ☐ The filing includes a request to place a document included in the submission under court seal and does not contain either an existing order or an attached motion and proposed order. (Md. Rule 20-203(f)(3).
  NOTE: A submission refiled within fourteen (14) days after this notice is sent will relate back to the filing of the rejected submission.
- ☐ The filing fee was not paid. (Md. Rule 20-201(k) and Courts and Judicial Proceedings Article, § 2-201(b)).

Additional information concerning the Maryland Electronic Courts (MDEC) system and e-filing can be found on the Judiciary website at mdcourts.gov/mdec/efiling

Julie L. Ensor
Clerk of the Circuit Court

E-SERVED Baltimore County Circuit Court 2/9/2024 2:56 PM System SystemEnvelope:15376958
E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 2:56 PM; Submission: 2/9/2024 2:56 PM
Envelope: 15376958

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Case Number: C-03-FM-22-005009
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

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Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 11:32 AM; Submission: 2/9/2024 11:32 AM
Envelope: 17171586

☐ SUPREME COURT OF MARYLAND ☐ APPELLATE COURT OF MARYLAND
☒ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 401 Bosley Ave Towson MD 21204
Court Address

STATE OF MARYLAND
OR
Telephone
Case No. C-03-FM-22-005009

Meghan Maggio
Plaintiff/Petitioner

vs.

Blake Hadel
Defendant/Respondent

NOTICE REGARDING RESTRICTED INFORMATION PURSUANT TO RULE 20-201.1

→Please DO NOT use this form to file into the following case types: Adoption, Emergency Evaluation, Extreme Risk Protective Order (ERPO), Guardianship, Juvenile, Gender Declaration, or a Criminal Case in which a Motion to Transfer Jurisdiction to the Juvenile Court is pending. By rule or statute these case types are not subject to inspection.

Title of confidential submission: Sarah Spitalnick's Declaration

☐ 1. **RESTRICTED DOCUMENT - The entire document is not subject to inspection.**

- ☐ **Child Abuse/Neglect:** record created by an agency concerning child abuse or neglect required by statute to be kept confidential. *Rule 16-914(d); Family Law Article, § 5-707; Human Services, § 1-202 and § 1-203*
- ☒ **Financial Information:** information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness. *General Provisions Article, § 4-336*
- ☐ **Financial Statement:** filed pursuant to Rule 9-202, a Child Support Guidelines Worksheet filed pursuant to Rule 9-206, or a Joint Statement of Marital and Non-Marital Property filed pursuant to Rule 9-207. *Rule 16-914(l)*
- ☐ **Hearing Closed to the Public:** recording/transcript of hearing closed to the public. *Rule 16-914(g)*
- ☐ **Marital Property:** Joint Statement of Marital and Non-Marital Property. *Rule 16-914(l)*
- ☐ **Marriage License Application:** until the effective date of the license. *Rule 16-912(c)*
- ☐ **Medical Report:** or other correspondence from a doctor or health care professional. *Rule 16-914(i)*
- ☐ **Parenting Plan/Joint Statement:** prepared and filed under Rules 9-204.1 and 9-204.2. *Rule 16-914(o)*
- ☐ **Peace Order Denied/Dismissed/Consented - Shielded:** case records shielded under Courts Article § 3-1510(b). *Rule 16-914(c)*
- ☐ **Pregnancy - Marriage License Application:** certification of pregnancy of a person under 18 from doctor or nurse practitioner in an application for a marriage license. *Rule 16-912(c)*
- ☐ **Presentence Investigation Report:** (confidential until entered into evidence) *Rule 16-914(f)(6)*
- ☐ **Protective Order Denied/Dismissed/Consented - Shielded**: case records shielded under FL Article § 4-512(b)(2). *Rule 16-914(c)*
- ☐ **Refusal to Testify:** case record maintained under Code, Courts Article, § 9-106 of the refusal of an individual to testify in a criminal action against the individual's spouse. *Rule 16-914(f)(5)*
- ☐ **Sealed or Shielded:** (entire document) by court order. *Rule 16-934 & 16-914(k)(1)*
- ☐ **Sealing or Shielding Motion:** while pending, but not to exceed five (5) business days. *Rule 16-934 & 16-914(k)(2)*
- ☐ **Tax Returns:** state and federal tax returns. *Rule 16-914(j)*
- ☐ **Other:** _____ Rule or Statute: _____
- ☐ **DOCUMENT FROM A CONFIDENTIAL CASE TYPE FILED INTO A NON-CONFIDENTIAL CASE TYPE. Confidential Case type: ☐ Child Adoption ☐ Emergency Evaluation ☐ ERPO ☐ Guardianship of a Child ☐ Juvenile Court case record ☐ Gender Declaration ☐ Other: (explain)** _____

☐ 2. **CONFIDENTIAL INFORMATION - The document itself is subject to public inspection but contains confidential information that is not open to public inspection.**

That information consists of _____.
(Give a description of the information and not the actual restricted information.)

The information is made confidential by Rule(s) _____ or by court order dated _____.

Pursuant to Rules 20-201.1 and 1-322.1, accompanying the document is a redacted version that does not contain the confidential information.

02/08/2024
Date

Sarah Spitalnick
Signature

23112901
Attorney Number

Sarah Spitalnick
Printed Name

Fax

(484)332-0454
Telephone Number

23 Walker Ave. Suite 207
Address

sarahspitalnickesq@gmail.com
E-mail

Pikesville MD 21208
City, State, Zip

Reset

MDJ-008 (Rev. 06/2023)

E-FILED; Baltimore County Circuit Court
Docket: 3/26/2024 11:28 AM; Submission: 3/26/2024 11:28 AM
Envelope: 15882978

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS FIRST AMENDED PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this First Amended Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in March of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023, the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.

6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.
7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants' monthly income is $1,079.00.
9. Defendants' income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers' discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.

15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C
16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child, he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.

23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.
24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.

32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has attempted to kept up with his child support payments as well as he could since his current income cannot support his current child support obligations. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in

to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.

41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.
43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.

46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.
49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petition in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

Plaintiffs' inability to communicate and continued bad faith

54. The standing custody order requires Plaintiff and Defendant to work between themselves to schedule visitation. Plaintiff has all the control to create the visitation and the visitation is done according to Plaintiff's deference.
55. The standing custody order has been shown to not be within the best interest of the Minor Child due to the Plaintiff's inability to schedule actual visitation with Defendant and work with Defendant to create a regular visitation schedule.
56. Plaintiff and Defendant, throughout the last year, have attempted into create visitation for the Defendant to spend time with the Minor Child. These attempts have shown to be

futile and ended with the Plaintiff requiring all visitation to be scheduled through attorney's due to her inability to communicate and her unwillingness to schedule visitation directly with the Defendant.

57. Plaintiff has repeatedly told Defendant that their communication is not in a place where they can create a visitation schedule without involving third parties.

58. Plaintiff has shown she is incapable of separating her personal feelings towards the Defendant and what is in the best interest of the Minor Child.

59. Within the past months, Plaintiff has shown she is willing to work with the Defendant and made a custody plan that is in the best interest of the Minor Child. But the moment the Defendant does not do what the Plaintiff wants, she changes her position and no longer is willing to alter the custody plan.

60. Plaintiff knows, and have stated to the Defendant, that it is within the best interest of the Minor Child to have a consistent visitation schedule with the Defendant and that the Defendant have the ability to help with the Minor Child when she is sick, or the Plaintiff needs help.

61. Even with the Plaintiff's knowledge that the Minor Child deserves to have a father that can be a present father, when she becomes angry or displeased at the Defendant, she threatens or actively with holds the Minor Child from the Defendant.

62. Aside from the Plaintiff refusing the Christmas Eve visitation the day of, due to the Plaintiff being angry at the Defendant filing a Protective Order against her, she has continued to threaten and withhold the Defendant's ability to see the Minor Child.

63. Plaintiff has repeatedly stated that she will only do what the standing custody order requires of her, she won't do anything more. Plaintiff has expressly stated that the

standing order only requires her to offer visitation at her deference, to which she has interpreted as offering visitation that is only plausible for her, not the Defendant.

64. Plaintiff has offered visitation to the Defendant, which is not plausible for the Defendant, and when Defendant tells Plaintiff it is not plausible, she states that he is denying visitation. Plaintiff does not attempt to make plausible visitation for Defendant or if she does it's at a last-minute notice, she merely offers visitation when it works for her and when it is not plausible for the Defendant, she states he denies visitation.

65. Plaintiff also has a documented history of canceling and changing visitation at the last moment, and when Defendant cannot bend to her ever changing visitation opportunities, she accuses of him denying visitation and not caring about the Minor Child.

66. On or about March 23, 2024, Plaintiff and Defendant had a scheduled visitation, but due to Plaintiff ignoring Defendant's request for a signed document from her stating the tracking device information/plan, the visitation was canceled Friday the 22nd. Plaintiff was well aware of the visitation being canceled due Plaintiffs failure to provide the requested signed document, but on the morning of the 23rd Plaintiff attempted to communicate about the tracking devices plan to move forward with the visitation. This attempt was made a mere 3 hours before the canceled visitation was to take place, and Plaintiff still failed to provide the requested signed document.

67. Instead of the Plaintiff supplying the requested signed document, she simply stated she gave the Defendant want he needed and that voided the cancelation of the visitation. Plaintiff, knowing visitation was still canceled, prepared and drove the child to the exchange point for visitation. Once there she began to contact both the Defendant and his

mother acting surprised that no one was at the drop off location and demanding to know when the Defendant will be there to exchange the Minor Child.

68. Plaintiff knew visitation was canceled, yet still drove the Minor Child to the exchange location and got the Minor Child ready for visitation. Plaintiff would rather get the Minor Child excited for visitation and drive her a half hour to the exchange location, knowing no one would be meeting her, just so that she could create the narrative that the Defendant was skipping his visitation opportunity.

69. Plaintiff again, showing she puts her personal feelings towards the Defendant above what is best for the Minor Child. She would rather get the Minor Child ready for visitation, knowing visitation was canceled, and play with the Minor Childs emotions just so that she could create a narrative that the Defendant skipped visitation without notice.

70. Not only did the Plaintiff again attempt to change visitation at the last moment, but she also put her wanting to set the Defendant up to look like an uncaring father above the Minor Childs emotions. She'd rather set the Defendant up to look bad, then make sure the Minor Child was not let down or her emotions were not being played with.

71. Plaintiff uses the Minor Child and the standing custody order against the Defendant to control his behavior and make him act in accordance with what she deems acceptable. When the Defendant does what the Plaintiff wants, she offers to drive to his house with the Minor Child, she offers plausible visitation, and she agrees to changing custody. But the moment the Defendant disagrees with the Plaintiff, she threatens to withhold the Minor Child or raise child support and reminds the Defendant he has no say in the Minor Child's life and that she only has to do the bare minimum of what the standing custody order requires of her.

72. Plaintiff has shown her bad faith when working with the standing custody order when Defendant had attempted to know where the Plaintiff is taking the Minor Child for vacations. Plaintiff notified Defendant that she will be taking the Minor Child on three separate vacations this year. When Defendant asked where these vacations would take place, Plaintiff refused to tell the Defendant the location of the vacations and stated she has no legal obligation to tell him the locations of the Minor Childs vacations.

73. Plaintiff, in the past when she was not displeased with the Defendant, had easily notified the Defendant of the vacations the Minor Child went on, but recently since the Plaintiff has become displeased with the Defendant, she refuses to notify the Defendant of the locations of the Minor Child's vacation stating that she has no obligation to do so.

74. Even though the Defendant has not had custody of the Minor Child, he does attempt to coparent with the Plaintiff, to which he is met with Plaintiffs dismissal or anger. Defendant has attempted to co parent when it comes to the Minor Child's health and daycare, to which Plaintiff does not entertain, again stating she has all the control over the Minor Child and that the Defendant's opinions, concerns or wants mean nothing and are unwelcomed.

75. Recently, through their attorneys, that parties scheduled two visitations for the Defendant to spend time and bond with the Minor Child. Directly after the first visitation, that was held in February of 2024, the Plaintiff was angry at the Defendant and had texted him "Visitation is canceled. Congratulations Blake". Plaintiff was enraged after the Defendant was not present at the drop off exchange, and imminently told him due to that, she would no longer allow any visitation. It was only after a few days, and speaking with her attorney, did she rescind her complete denial of visitation to the Defendant. Plaintiff

again showed she allows her personal feelings towards the Defendant to dictate his ability to have visitation.

76. During the February visitation, the Minor Child had a wonderful time with the Defendant and his family. The Minor Child was not put in any situation that would require the Plaintiff to halt any future visitations. Plaintiff's initial denial of any future visitations was not based on the safety or needs of the Minor Child, it was solely based on her becoming enraged with the Defendant.

77. Plaintiff has had the past eleven months to show she can be trusted with complete control over the Minor Child and complete control over Defendants ability to see the Minor Child, to which she has failed.

78. The court ordered the standing custody order with the intent that Plaintiff will make every decision in regard to the Minor Child with the best interest of the child at the forefront. Since the order has been in place the Plaintiff has shown that she is incapable of putting the Minor Child's best interest first, but instead puts her own feelings and wants first.

79. Plaintiff does not have the ability to separate her personal feelings towards the Defendant and the best interest of the Minor Child. Plaintiff does not have the ability to work in good faith with the custody order, instead she continuously works in bad faith using the custody order against the Defendant as the reason why she can dismiss his concerns and opinions regarding the Minor Child.

80. Plaintiff has also shown she does not have the ability to communicate with the Defendant in regards to setting up a visitation schedule without third parties being involved, making her ability to follow the standing custody order impossible.

81. Plaintiff does not have the ability to schedule visitation without third parties, she uses the standing custody order in bad faith to control the Defendant's behavior and ignore his concerns completely, and she cannot separate her personal feelings towards the Defendant and the best interest of the Minor Child, thus the standing custody order is no longer in the best interest of the Minor Child and needs modification.

Plaintiff's continued stalking of the Defendant

82. Plaintiff has a history of stalking and harassing the Defendant due to him not wanting a romantic relationship with her.
83. In December of 2023 the Defendant filed for a Protective Order against the Plaintiff due to her continued stalking of him; Case No. D-08-FM-23-829061 and C-03-FM-24-812218.
84. The Defendant filed for the Protective Order against the Plaintiff because he sincerely believes that the Plaintiff poses a danger to him if he continues to reject her romantic advances.
85. Despite the Defendant making it crystal clear to the Plaintiff he does not want anything to do with her, besides when it relates to the Minor Child, the Plaintiff has continued to find ways to know where the Defendant is at and who he is with.
86. As recent as February 2024, the Plaintiff is still finding out who the Defendant communicates with and contacts those people to defame the Defendant and encourage them to halt their communication and interactions with the Defendant.
87. On March 16, 2024, Defendant and his mother had visitation with the Minor Child. During that visitation, the Defendant noticed a small object that was sown into the Minor Childs jacket, after close inspection of the small object it was found to be a Tile tracking device.
88. The Defendant and his mother were alarmed and frightened to find that the Plaintiff had hid a tracking device on the Minor Child without their knowledge.
89. The Plaintiff had not notified or warned the Defendant or his mother that there would be a tracking device on the Minor Child during this visitation.

90. There had never been a tracking device on the Minor Child during any previous visitations.

91. When Defendant had addressed the tracking device to the Plaintiff, she stated that she has always tracked the Minor Child for her safety.

92. The Defendant responded stating that he does not consent to the Minor Child being tracked by her while the Minor Child is in his care. To which the Plaintiff responded that she is the Minor Childs mother and is allowed to track the Minor Child at all times.

93. With the Plaintiff never tracking the Minor Child in the Defendants care prior to March 16, 2024, the tracking device being hidden on the Minor Child, her lack of notifying the Defendant of the tracking device, and her prior history of stalking the Defendant, it is obvious the tracking device was not hidden on the Minor Child for the Minor Child's safety but so the Plaintiff could continue to stalk the Defendant.

94. The Defendant and his mother take this tracking device extremely seriously and are frightened by the escalating stalking by the Plaintiff. All the Plaintiff had to do was notify the Defendant or his mother that the tracking device was on the Minor Child, but she instead hid this information from the Defendant so that she could secretly track him.

95. The Defendant went as far as to require the Plaintiff to give her written confirmation that during future visitations that the Minor Child will not have any tracking devices on her person. Defendant made it clear that if the Plaintiff would not confirm that the Minor Child would not be tracked during future visitations or if she was being tracked that the Defendant would have full access to tracking device 24/7, that he could not move forward with visitations due to the threat the Plaintiff posed against him.

96. Instead of the Plaintiff confirming she will not be tracking the Minor Child in the Defendants custody, she completely ignored the Defendants request for confirmation. Instead, the day of visitation the Plaintiff attempted to share the tracking information with the Defendant but still denied his request for a signed document.

97. Plaintiff refusing to send a signed document regarding the tracking of the Minor Child, she has made any future visitations, at her deference, impossible for the Defendant.

98. The Defendant requires a signed document from the Plaintiff regarding the tracking of the Minor Child due to the Plaintiff stating she will share the tracking information at the last minute, the Plaintiff contradicting herself if she will be sharing the tracking information only during visitation or 24/7, her history of stalking the Defendant, and her history of changing her mind based on if she is displeased with the Defendant or not.

99. Plaintiff has no rational reason to refuse the Defendants request for written confirmation regarding the tracking of the Minor Child, especially due to the Defendants mother supervising all visitations.

100. Plaintiff is again allowing her personal feelings towards the Defendant to bar his ability to be in the Minor Child's life, which is not within the best interest of the Minor Child.

101. Plaintiff is more concerned with her ability to stalk the Defendant while the Minor Child is in his care, then she is with allowing the Minor Child to spend quality time with the Defendant and his family.

102. Plaintiff cannot be trusted to be the sole decision maker regarding the Minor Child due to her inability to put what's best for the Minor Child first, thus the standing custody order is no longer in the best interest of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That the Court require a third party at all exchanges for the Minor Child for custody or visitation.

F. That the Court require the parties only communicate through the parenting app, AppClose.

G. That the Court require no tracking of the Minor Child by either party while the child is in the other party's custody.

H. That Defendant be awarded such other and further relief as the nature of his cause may require.

Respectfully Submitted,

Sarah Spitalnick

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Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted info1mation, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March 2024, a copy of the foregoing First Amended Petition to Modify Custody and Child Support, was sent via MDEC to:

W. Bradley Bauhof, Esq.
W. Bradley Bauhof LLC
8 N. Court Street, Suite A
Westminster, Maryland 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Defendant

E-FILED; Harford Circuit Court
Docket: 12/11/2023 10:58 AM; Submission: 12/11/2023 10:58 AM
Envelope: 14769509

MALISSA N. MILLER, 1143 Ridge Rd Rising Sun, MD 21911 *Plaintiff*, v. GORDON FOOD SERVICE INC., 504 Advantage Ave. Aberdeen, MD 21001 and AARON LEE 1659 Livingston Drive Bel Air, MD 21015 and NICHOLAS MARINER 4905 Forge Haven Drive Perryhall MD, 21128 and TREVOR NAUDE 5602 Albanene Place Apt C4 Baltimore MD, 21206 *Defendants*,	)	IN THE CIRCUIT COURT FOR HARFORD COUNTY CASE NO: C- C-12-CV-23-000927

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, MELISSA N. MILLER, by and through counsel, hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. Plaintiff Melissa N. Miller (hereinafter "Ms. Miller") was terminated on September 12, 2022, from her employment with Gordon Food Service Inc (hereinafter "Gordon" or "Defendant").

2. Ms. Miller was battered and assaulted by a fellow coworker and ex-boyfriend, Christopher Robinson (hereinafter "Mr. Robinson"), while at Gordon.

3. Ms. Miller reported the assault to the police on the day she was assaulted, and she was fired by Gordon later that day.

4. Ms. Miller seeks an award from this court for compensatory damages, punitive damages, statutory damages, emotional distress, attorneys fees, and court costs.

PARTIES

5. Plaintiff MELISSA N. MILLER is a resident of the state of Maryland.

6. Defendant GORDON FOOD SERVICE INC. is a corporation that has continuous and systematic contacts where they are "at home" in Maryland.

JURISDICTION AND VENUE

7. Jurisdiction is proper pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501 and § 6-102, because Gordon's place of business is in Maryland.

8. Venue is proper pursuant to § 6-201 because Gordon's principal Maryland distribution center is in Harford County.

FACTS

9. Ms. Miller gained employment through Gordon on February 23, 2021.

10. Ms. Miller was terminated from her employment on September 12, 2022.

11. Ms. Miller was hired at Gordon as a warehouse Receiving Clerk.

12. During Ms. Millers employment at Gordon, she was in a romantic relationship with a man named Christopher Robinson.

13. In Spring of 2022, Mr. Robinson was hired by Gordon.

14. One of Mr. Robinson's duties required him to report daily to Ms. Miller.

15. Soon after Mr. Robinson began working at Gordon, he became physically abusive towards Ms. Miller at home and at work.

16. On one occasion Ms. Miller came into work with bruises, which she communicated to her supervisor, Nick Mariner, that the bruises were due to Mr. Robinson's physical abuse.

17. Shortly after Mr. Robinson started his employment at Gordon, Ms. Miller had decided to end the personal relationship due to the physical abuse.

18. After Ms. Miller had ended the personal relationship with Mr. Robinson, Mr. Robinson refused to accept the breakup and began to act unprofessionally at work towards Ms. Miller. For example, he would refuse to acknowledge Ms. Miller when she would speak to him on work related matters.

19. Ms. Miller reported to three supervisors in the company that she and Mr. Robinson had been in a romantic relationship, that Mr. Robinson was abusive, and that Ms. Miller ended the relationship against Mr. Robinson's wishes. The three supervisors were her direct supervisor Nick Mariner, Gordon Director of Mid-Atlantic Warehouse Operations Aaron Lee, and Human resources personnel Trevor Naude.

20. On September 12, 2022, around 7:00am, Ms. Miller was in her office next to the warehouse floor and contacted Mr. Robinson who was on the warehouse floor below. Ms. Miller needed to confirm with Mr. Robinson whether he had completed loading a truck so that she could authorize the truck to leave the warehouse. This was a regular activity that she and Mr. Robinson were required to perform daily.

21. On that day, Mr. Robinson refused to acknowledge Ms. Miller or answer her calls.

22. Ms. Miler called three times, but Mr. Robinson still refused to answer.

23. Ms. Miller went to the warehouse floor to talk to Mr. Robinson in person to confirm whether he had completed loading the truck so that she could give the truck driver authorization to leave.

24. Ms. Miller and all her fellow Receiving Clerks would regularly go down to the warehouse floor daily to communicate with other employees in the normal course of business.

25. No receiving clerk or Ms. Miller had ever been reprimanded for being on the warehouse floor, nor were they ever told they were not allowed on the warehouse floor.

26. In fact, Ms. Miller had repeatedly asked her supervisors if they could get walkie-talkies for her to use to contact employees on the warehouse floor so that she would not have to walk across to the warehouse floor to speak with employees in person, but her supervisors denied her request.

27. Gordon only began instructing receiving clerks to avoid the warehouse floor after Ms. Miller was assaulted/ battered and then subsequently terminated, as set forth below.

28. When Ms. Miller approached Mr. Robinson on the warehouse floor, Ms. Miller was a safe distance away from him due to him operating a forklift.

29. Ms. Miller then attempted to talk to Mr. Robinson in person and yelled from a distance if Mr. Robinson had completed loading the truck.

30. Mr. Robinson then told Ms. Miller to "Fuck off" and he indicated that he would not talk to her or engage with her at all, even for work-related matters.

31. Ms. Miller told Mr. Robinson that he was required to communicate for the safety of the truck driver.

32. After Ms. Miller told Mr. Robinson that he is required to communicate with her, Ms. Miller began to walk away.

33. As Ms. Miller was walking away, Mr. Robinson jumped off the forklift and grabbed Ms. Miller and violently ripped her necklace off her neck. He then grabbed Ms. Miller by her throat and strangle her with his hands.

34. Mr. Robinson strangled Ms. Miller with both hands for approximately 15 seconds.

35. Mr. Robinson only stopped strangling Ms. Miller when two other coworkers, Norman Jackson and Christopher Falcon, on the warehouse floor started to yelling about how Mr. Robinson was strangling Ms. Miller.

36. Mr. Robinson let go, allowing Ms. Miller escape and she immediately ran to safety in her office.

37. Immediately after the assault by Mr. Robinson, Ms. Miller went to her supervisor Nick Mariner (hereinafter "Mr. Mariner") to report the assault and requested to have the police called.

38. At the time of the assault Mr. Mariner had knowledge that Mr. Robinson had a pattern of physically abusing Ms. Miller.

39. When Ms. Miller reported the assault to Mr. Mariner, she told him that she was scared for her safety, and she wanted the police to be called and a report made.

40. Mr. Mariner told Ms. Miller he would investigate the assault incident.

41. After reporting the assault to Mr. Mariner, Ms. Miller locked herself in her office for fear that Mr. Robinson would return and physically assault her again.

42. When Mr. Mariner noticed that Ms. Miller's office door was locked, he asked her why.

43. She stated that she locked her door for fear that Mr. Robinson would assault her again.

44. Mr. Mariner told her she had nothing to be afraid of.

45. Mr. Mariner plainly stated he would not call the police, nor would anyone else at Gordon.

46. Ms. Miller told Mr. Mariner that she was going to stay locked in her office until the police were called due to her fear of Mr. Robinson.

47. Mr. Mariner failed to call the police throughout Ms. Millers entire shift.

48. Mr. Mariner knew that if the police were not called and Mr. Robinson was not sent home, that Ms. Miller would have to work with Mr. Robinson for the remainder of her shift.

49. About an hour after Ms. Miller reported the assault to Mr. Mariner, she went into Mr. Mariner's office to inquire about the investigation into the assault that Mr. Mariner assured her he would conduct.

50. Aaron Lee (hereinafter "Mr. Lee"), Gordon's director of Mid-Atlantic warehouse operations, was at the time in Mr. Mariner's office with Mr. Mariner and Ms. Miller.

51. Ms. Miller asked Mr. Mariner and Mr. Lee about the status of the investigation into the assault that happened an hour earlier.

52. Mr. Lee and Mr. Mariner told her that she is not allowed to demand investigations into other employees or to demand anything from her superiors.

53. Ms. Miller was not demanding anything; she was merely making a reasonable inquiry if her supervisors had taken any action to ensure her safety while a man that had assaulted her an hour ago was still in the building.

54. Mr. Mariner and Mr. Lee repeated that they would not call the police and expressly ordered Ms. Miller not to call the police.

55. Ms. Miller insisted that she would not feel safe until the police were called.

56. Her supervisor, Mr. Mariner, told her that if she wanted to call the police herself she would have to leave work and exit the premises.

57. Nobody at Gordon had spoken with or reprimanded Mr. Robinson after he assaulted Ms. Miller; he was able to work his normal shift with no interruptions.

58. Nobody at Gordon had spoken with Ms. Miller to investigate the assault throughout the rest of her shift on September 12, 2022, or ever.

59. Nobody at Gordon had spoken with any of its employees or named witnesses to the assault throughout the day that Mr. Robinson had assaulted Ms. Miller. Gordon acted as if the assault never happened, and as if it was a normal day.

60. Ms. Miller had been yelled at by Mr. Mariner and Mr. Lee throughout the day to unlock her office door and move on with the day as if the assault never happened. Ms. Miller had responded every time by stating that she was in fear for her safety and wanted the police to be called. She stated she would rather not leave her office until the police were called.

61. Around 1 p.m. on September 12, 2022, she decided to call the police herself.

62. At the end of her shift, she ran from her office towards the exit.

63. On her way out, she saw Mr. Mariner and told him that she was going to call the police.

64. Mr. Mariner once again said to her very clearly that she was forbidden from calling the police while on the company premises.

65. Ms. Miller ran out the door, and the second she left the premises she called the police.

66. When the police responded to Ms. Miller's call, she met them outdoors and off Gordon's property due to her supervisors refusing to allow her to speak with police on Gordon's property.

67. After the police interviewed her and made a report, she immediately got into her vehicle to drive home.

68. While she was in her car driving home, she received a call from Gordon, and she was told her employment was terminated.

69. Ms. Miller was told by Gordon that the reason for her termination was due to a violation of Gordon's safety policies.

70. On September 13, 2022, she received a termination letter that stated a different reason for her termination, namely, that she was terminated due to violating Gordon's behavioral policies.

71. Ms. Miller was never interviewed or even spoken to about the assault. She was present at Gordon doing her job throughout the entire day and the only time any supervisor had spoken to her was to tell her to unlock her door.

72. Ms. Miller had made it clear to Mr. Mariner and Mr. Lee she was reasonably in fear for her physical safety due to Mr. Robinson assaulting her and wanted the police called. All her supervisors ignored her concerns and instead yelled at her for hiding from her attacker.

73. By callously ignoring Ms. Miller's pleas for help and her repeated and reasonable insistence that she could not leave her office for fear of her physical safety, her supervisors effectively trapped her in her office against her will.

74. Ms. Miller was never in the habit of locking her office door or locking herself in her office; this behavior on that day was a direct result of her legitimate fear that Mr. Robinson would assault her again because she had reported the assault and battery.

75. Gordon showed a complete lack of care for the safety of Ms. Miller and all other Gordon employees by allowing Mr. Robinson to continue working after physically assaulting Ms. Miller.

76. Gordon took no steps to stop Mr. Robinson from assaulting Ms. Miller or any other Gordon employees throughout his employment and up through September 12, 2022.

77. Ms. Miller was terminated due to her calling the police to report a crime.

78. Gordon repeatedly ordered Ms. Miller not to call the police, even though she was physically assaulted and was in legitimate fear for her safety.

79. Gordon had the entire day to speak with Ms. Miller and Mr. Robinson about the assault, yet Gordon never spoke to either party, took no action, and failed to conduct an investigation.

80. Gordon knew Mr. Robinson had a propensity for violence, especially against Ms. Miller due to Ms. Miller telling her supervisors that he had assaulted her in the past.

81. Between the time that Ms. Miller ended her personal relationship with Mr. Robinson and the assault on September 12, 2022, Mr. Robinson was constantly disrespectful towards Ms. Miller at work and acted unprofessionally when interacting with Ms. Miller at work.

82. On the day of the assault, Ms. Miller told her supervisors about the assault, yet Gordon allowed Mr. Robinson to continue working with no interruptions for the remainder of the day.

83. Gordon was on notice that Mr. Robinson had assaulted Ms. Miller, yet refused to call the police, reprimand Mr. Robinson, speak to Mr. Robinson about the assault, or even allow Ms. Miller to call the police. Instead, Gordon expressly instructed Ms. Miller not to call the police.

84. Gordon had a duty to keep their employees safe from danger while at work, which it breached by allowing Mr. Robinson to continue working after assaulting another employee.

85. Gordon put Ms. Miller and other employees in danger of being physically assaulting by allowing Mr. Robinson to continue working.

86. Ms. Miller was then terminated within moments of reporting the assault to the police.

87. Ms. Miller was well within her right to call the police to report a crime without fear of reprisal.

88. Gordon had no right to refuse to allow Ms. Miller to call the police to report a crime or to terminate Ms. Miller due to her calling the police to report a crime.

CAUSES OF ACTION

COUNT I

Maryland Common Law Tort

Wrongful Discharge

Defendant Gordon Food Services Inc.

89. Ms. Miller realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 88 of this Complaint with the same effect as through fully set forth herein.

90. The avowed public policy in Maryland is to protect those witnesses and victims who report suspected criminal activity to the appropriate law enforcement or judicial authority from being harmed for performing this important public task. From this clearly definable public policy, Plaintiff has a civil cause of action in wrongful discharge for reporting suspected criminal activity to the appropriate authorities and for being summarily terminated from employment as a result.

91. Defendant violated Md. Code, Crim Law § 9-301, *et seq.* by terminating Plaintiff's employment for reporting a crime against her while working for Defendant Gordon to law enforcement officers.

92. Plaintiff has a statutory right to be free from retaliation for reporting a crime to law enforcement officers pursuant to Md. Code, Crim § 9-301, *et seq.*

93. Plaintiff lawfully and rightfully reported a crime against her while working for Defendant Gordon and was summarily discharged from employment as a result.

94. Plaintiff's termination was wrongful and without any cause whatsoever in that it resulted solely from Plaintiff's rightful act in reporting a crime to a law enforcement officer.

95. Plaintiff's termination contravened the clear mandate of public policy as set forth in Md. Code, Crim § 9-301, *et seq.*

96. Prior to her discharged, Ms. Miller's performance was meeting all of Gordon's legitimate expectations.

97. Md. Code, Crim § 9-301, *et seq.* does not provide a civil statutory remedy for retaliation for reporting a crime to a law enforcement officer. Ms. Miller does not have any cognizable claims for her discharge under any statute. The only remedy available to Ms. Miller

for the losses she suffered as a result of Defendant's retaliatory discharge is the common law tort of wrongful discharge.

98. Mr. Mariner, Mr. Lee, and Mr. Naude, as agents for Defendant Gordon, fired Plaintiff in furtherance of Gordon's business interest and they were acting within the scope of their employment in that they are all supervisors responsible for terminating employees. Defendant Gordon is liable and responsible for all the acts alleged in this complaint committed by Mr. Mariner, Mr. Lee, and Mr. Naude within the scope of their employment.

99. Gordon's conduct in terminating Plaintiff was deliberate, actually malicious, willful, and intentionally calculated to inflict harm upon Plaintiff. The conduct was done in furtherance of Gordons business interest. When it became clear to Gordon that Plaintiff reported the crimes against her at the hands of Mr. Robinson while working for Gordon, they terminated her employment. Gordon's managers knew Plaintiff was financially vulnerable and they further knew that they were willingly violating criminal statutes and furthermore, they fired her with actual malice because they wanted to intentionally inflict financial harm upon the Plaintiff for the purpose of sending a message to other employees. Finally, the termination was the decision of the Plaintiff's direct manager at Gordon and the unlawful conduct was further ratified by Gordon's Human Resources Department.

100. As a direct and proximate cause of Gordon's wrongful termination of Plaintiff, she was left without employment and deprived of wages and benefits which she needed to meet her obligations and basic living expenses. Plaintiff also suffered injuries including but not limited to, embarrassment and humiliation, loss of sleep, harm to her professional standing, loss of professional opportunities, emotional distress, mental anguish, loss of enjoyment of life, inconvenience, attorneys fees, and the cost and expenses of this lawsuit.

COUNT II

Maryland Common Law Tort

Negligent Supervision

Defendants Nick Mariner, Aaron Lee, and Trever Naude

101. Ms. Miller realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 88 of this Complaint with the same effect as through fully set forth herein.

102. Defendants owned their employees a duty of care to select and retain employees who were competent and fir to perform the duties of a warehouse worker and to refrain from retaining individuals who were unfit to person such duties. As a warehouse employer, Defendants must hire employees that are able and fit to work around heavy machinery and can follow directions to avoid accidental injuries. Defendants had a duty to use reasonable care to hire and retain competent employees and to provide a safe place to work.

103. Mr. Mariner, Mr. Lee, and Mr. Naude work in Gordons Aberdeen warehouse. At all relevant times, Mr. Mariner, Mr. Lee, and Mr. Naude were employees, agents and/or servants of Gordon.

104. Defendant's had actual or constructive knowledge that Mr. Robinson had a propensity for violence and that he was capable for inflicting harm on Ms. Miller in particular. Defendants knew of Mr. Robinsons propensity for being physically abusive specifically due to Ms. Miller communicating to her supervisors of specific instances where Mr. Robinson had attacked her so violently she had visible bruising and marks. Defendants also had actual or constructive knowledge of the attack on Ms. Miller moments after it happened, yet never spoke

with Mr. Robinson or asked him to leave, forcing Ms. Miller to work an entire shift with her attacker and putting the rest of the Gordon employees in jeopardy of being physically attacked. Therefore, Defendants owed such a duty of care to Ms. Miller and such duty was breached.

105. Because of Mr. Robinsons known propensity for violence and his obvious distain for Ms. Miller due to their breakup, Mr. Robinson was unfit for his duties and the likelihood of the risk of him assaulting Ms. Miller was foreseeable. After their breakup, Mr. Robinson had repeatedly ignored Ms. Miller and refused to communicate with her even though that was a part of his duties at Gordon. Ms. Miller had also communicated to her supervisors that Mr. Robinson had physically attacked her in the past due to his anger management problems. Defendants knew or should have known that Mr. Robinson was not competent or fit for the duties of his position. Defendants breached their duty to use reasonable care to retain employees who were competent and fit for the position. Further, Defendants failed to use reasonable care to supervise and discipline Mr. Robinson.

106. Defendants' conduct in retaining Mr. Robinson was deliberate, malicious, willful, and intentionally calculated to inflict harm upon Mr. Miller because Defendants were aware of Mr. Robinsons prior assaults on Ms. Miller and were aware within moments of Mr. Robinson strangling Ms. Miller on the warehouse floor. Defendants failed and refused to perform their obligations under their own internal policies and procedures designed to stop and prevent workplace violence. Defendants initially failed and refused to discipline Mr. Robinson, while threatening and yelling at Ms. Miller if she reported the incident to the police. The Defendants consciously elected to disregard Ms. Miller's rights as a victim of a workplace assault and displayed an utter disregard for the consequences for Ms. Miller without exerting any effort to avoid those consequences.

107. As a result of Defendants' negligence and their malicious conduct in retaining and/or supervising Mr. Robinson, Ms. Miller was injured as alleged herein.

PRAYER FOR RELIEF

A. An order awarding Plaintiff compensatory damages and non-economic damages suffered as a result of Defendant's actions;

B. An order awarding Plaintiff punitive damages;

C. An order awarding injunctive relief enjoining Gordon from committing future tortious acts against Plaintiff and their employees. Plaintiff further requests this Court bar Defendant and any of its owners, managers, employees, or agents from intimidating witnesses to crimes in any way or otherwise violate Md. Code, Crim. Law § 9-301, et seq.;

D. An order awarding attorneys' fee and cost;

E. Any other relief this Court deems proper.

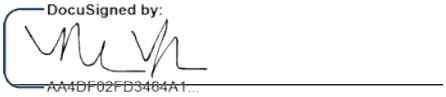
DEMAND FOR JURY

Plaintiff hereby demands a trial by jury in this action on all issues so triable.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing Complaint is true and accurate based on my personal knowledge, information, and belief.

DocuSigned by:



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Malissa Miller

Respectfully Submitted,

Sarah Spitalnick
Sarah Spitalnick (Dec 11, 2023 10:20 EST)

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Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick
Sarah Spitalnick (Dec 11, 2023 10:20 EST)

Sarah Spitalnick Esq.

Counsel for Plaintiff

E-FILED; Harford Circuit Court
Docket: 2/8/2024 5:03 PM; Submission: 2/8/2024 5:03 PM
Envelope: 15365608

MALISSA MILLER,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
GORDON FOOS SERVICES INC., et al	)	HARFORD COUNTY
	)	
Defendants	)	
	)	Case No: C-12-CV-23-000927

PLAINTIFF'S AMENDED COMPLAINT

Plaintiff, MELISSA N. MILLER, by and through counsel, hereby brings forth this action and states as follows:

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1. Plaintiff Melissa N. Miller (hereinafter "Ms. Miller") was terminated on September 12, 2022, from her employment with Gordon Food Service Inc (hereinafter "Gordon" or "Defendant").

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3. Ms. Miller reported the assault to the police on the day she was assaulted, and she was fired by Gordon later that day.

4. Ms. Miller seeks an award from this court for compensatory damages, punitive damages, statutory damages, emotional distress, attorneys fees, and court costs.

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5. Plaintiff MELISSA N. MILLER is a resident of the state of Maryland.

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26. In fact, Ms. Miller had repeatedly asked her supervisors if they could get walkie-talkies for her to use to contact employees on the warehouse floor so that she would not have to walk across to the warehouse floor to speak with employees in person, but her supervisors denied her request.

27. Gordon only began instructing receiving clerks to avoid the warehouse floor after Ms. Miller was assaulted/ battered and then subsequently terminated, as set forth below.

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34. Mr. Robinson only stopped strangling Ms. Miller when two other coworkers, Norman Jackson and Christopher Falcon, on the warehouse floor started to yell about how Mr. Robinson was strangling Ms. Miller.

35. Mr. Robinson let go, allowing Ms. Miller escape and she immediately went to safety in her office.

36. Immediately after the assault by Mr. Robinson, Ms. Miller went to her supervisor Nick Mariner (hereinafter "Mr. Mariner") to report the assault and requested to have the police called.

37. At the time of the assault Mr. Mariner had knowledge that Mr. Robinson had a pattern of physically abusing Ms. Miller.

38. When Ms. Miller reported the assault to Mr. Mariner, she told him that she was scared for her safety, and she wanted the police to be called and a report made.

39. Mr. Mariner told Ms. Miller he would investigate the assault incident.

40. After reporting the assault to Mr. Mariner, Ms. Miller locked herself in her office for fear that Mr. Robinson would return and physically assault her again.

41. When Mr. Mariner noticed that Ms. Miller's office door was locked, he asked her why.

42. She stated that she locked her door for fear that Mr. Robinson would assault her again.

43. Mr. Mariner told her she had nothing to be afraid of.

44. Mr. Mariner plainly stated he would not call the police, nor would anyone else at Gordon.

45. Ms. Miller told Mr. Mariner that she was going to stay locked in her office until the police were called due to her fear of Mr. Robinson.

46. Mr. Mariner failed to call the police throughout Ms. Millers entire shift.

47. Mr. Mariner knew that if the police were not called and Mr. Robinson was not sent home, that Ms. Miller would have to work with Mr. Robinson for the remainder of her shift.

48. About an hour after Ms. Miller reported the assault to Mr. Mariner, she went into Mr. Mariner's office to inquire about the investigation into the assault that Mr. Mariner assured her he would conduct.

49. Aaron Lee (hereinafter "Mr. Lee"), Gordon's director of Mid-Atlantic warehouse operations, was at the time in Mr. Mariner's office with Mr. Mariner and Ms. Miller.

50. Ms. Miller asked Mr. Mariner and Mr. Lee about the status of the investigation into the assault that happened an hour earlier.

51. Mr. Lee and Mr. Mariner told her that she is not allowed to demand investigations into other employees or to demand anything from her superiors.

52. Ms. Miller was not demanding anything; she was merely making a reasonable inquiry if her supervisors had taken any action to ensure her safety while a man that had assaulted her an hour ago was still in the building.

53. Mr. Mariner and Mr. Lee repeated that they would not call the police and expressly ordered Ms. Miller not to call the police.

54. Ms. Miller insisted that she would not feel safe until the police were called.

55. Her supervisor, Mr. Mariner, told her that if she wanted to call the police herself she would have to leave work and exit the premises.

56. Nobody at Gordon had spoken with or reprimanded Mr. Robinson after he assaulted Ms. Miller; he was able to work his normal shift with no interruptions.

57. Nobody at Gordon had spoken with Ms. Miller to investigate the assault throughout the rest of her shift on September 12, 2022, or ever.

58. Nobody at Gordon had spoken with any of its employees or named witnesses to the assault throughout the day that Mr. Robinson had assaulted Ms. Miller. Gordon acted as if the assault never happened, and as if it was a normal day.

59. Ms. Miller had been yelled at by Mr. Mariner and Mr. Lee throughout the day to unlock her office door and move on with the day as if the assault never happened. Ms. Miller had responded every time by stating that she was in fear for her safety and wanted the police to be called. She stated she would rather not leave her office until the police were called.

60. Around 1 p.m. on September 12, 2022, she decided to call the police herself.

61. At the end of her shift, she ran from her office towards the exit.

62. On her way out, she saw Mr. Mariner and told him that she was going to call the police.

63. Mr. Mariner once again said to her very clearly that she was forbidden from calling the police while on the company premises.

64. Ms. Miller ran out the door, and the second she left the premises she called the police.

65. When the police responded to Ms. Miller's call, she met them outdoors and off Gordon's property due to her supervisors refusing to allow her to speak with police on Gordon's property.

66. After the police interviewed her and made a report, she immediately got into her vehicle to drive home.

67. While she was in her car driving home, she received a call from Gordon, and she was told her employment was terminated.

68. Ms. Miller was told by Gordon that the reason for her termination was due to a violation of Gordon's safety policies.

69. On September 13, 2022, she received a termination letter that stated a different reason for her termination, namely, that she was terminated due to violating Gordon's behavioral policies.

70. Ms. Miller was never interviewed or even spoken to about the assault. She was present at Gordon doing her job throughout the entire day and the only time any supervisor had spoken to her was to tell her to unlock her door.

71. Ms. Miller had made it clear to Mr. Mariner and Mr. Lee she was reasonably in fear for her physical safety due to Mr. Robinson assaulting her and wanted the police called. All her supervisors ignored her concerns and instead yelled at her for hiding from her attacker.

72. By callously ignoring Ms. Miller's pleas for help and her repeated and reasonable insistence that she could not leave her office for fear of her physical safety, her supervisors effectively trapped her in her office against her will.

73. Ms. Miller was never in the habit of locking her office door or locking herself in her office; this behavior on that day was a direct result of her legitimate fear that Mr. Robinson would assault her again because she had reported the assault and battery.

74. Gordon showed a complete lack of care for the safety of Ms. Miller and all other Gordon employees by allowing Mr. Robinson to continue working after physically assaulting Ms. Miller.

75. Gordon took no steps to stop Mr. Robinson from assaulting Ms. Miller or any other Gordon employees throughout his employment and up through September 12, 2022.

76. Ms. Miller was terminated due to her calling the police to report a crime.

77. Gordon repeatedly ordered Ms. Miller not to call the police, even though she was physically assaulted and was in legitimate fear for her safety.

78. Gordon had the entire day to speak with Ms. Miller and Mr. Robinson about the assault, yet Gordon never spoke to either party, took no action, and failed to conduct an investigation.

79. Gordon knew Mr. Robinson had a propensity for violence, especially against Ms. Miller due to Ms. Miller telling her supervisors that he had assaulted her in the past.

80. Between the time that Ms. Miller ended her personal relationship with Mr. Robinson and the assault on September 12, 2022, Mr. Robinson was constantly disrespectful towards Ms. Miller at work and acted unprofessionally when interacting with Ms. Miller at work.

81. On the day of the assault, Ms. Miller told her supervisors about the assault, yet Gordon allowed Mr. Robinson to continue working with no interruptions for the remainder of the day.

82. Gordon was on notice that Mr. Robinson had assaulted Ms. Miller, yet refused to call the police, reprimand Mr. Robinson, speak to Mr. Robinson about the assault, or even allow Ms. Miller to call the police. Instead, Gordon expressly instructed Ms. Miller not to call the police.

83. Gordon had a duty to keep their employees safe from danger while at work, which it breached by allowing Mr. Robinson to continue working after assaulting another employee.

84. Gordon put Ms. Miller and other employees in danger of being physically assaulting by allowing Mr. Robinson to continue working.

85. Ms. Miller was then terminated within moments of reporting the assault to the police.

86. Ms. Miller was well within her right to call the police to report a crime without fear of reprisal.

87. Gordon had no right to refuse to allow Ms. Miller to call the police to report a crime or to terminate Ms. Miller due to her calling the police to report a crime.

CAUSES OF ACTION

COUNT I

Maryland Common Law Tort

Wrongful Discharge

Defendant Gordon Food Services Inc.

88. Ms. Miller realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 88 of this Complaint with the same effect as through fully set forth herein.

89. The avowed public policy in Maryland is to protect those witnesses and victims who report suspected criminal activity to the appropriate law enforcement or judicial authority from being harmed for performing this important public task. From this clearly definable public policy, Plaintiff has a civil cause of action in wrongful discharge for reporting suspected criminal activity to the appropriate authorities and for being summarily terminated from employment as a result.

90. Defendant violated Md. Code, Crim Law § 9-301, *et seq.* by terminating Plaintiff's employment for reporting a crime against her while working for Defendant Gordon to law enforcement officers.

91. Plaintiff has a statutory right to be free from retaliation for reporting a crime to law enforcement officers pursuant to Md. Code, Crim § 9-301, *et seq.*

92. Plaintiff lawfully and rightfully reported a crime against her while working for Defendant Gordon and was summarily discharged from employment as a result.

93. Plaintiff's termination was wrongful and without any cause whatsoever in that it resulted solely from Plaintiff's rightful act in reporting a crime to a law enforcement officer.

94. Plaintiff's termination contravened the clear mandate of public policy as set forth in Md. Code, Crim § 9-301, *et seq.*

95. Prior to her discharged, Ms. Miller's performance was meeting all of Gordon's legitimate expectations.

96. Md. Code, Crim § 9-301, *et seq.* does not provide a civil statutory remedy for retaliation for reporting a crime to a law enforcement officer. Ms. Miller does not have any cognizable claims for her discharge under any statute. The only remedy available to Ms. Miller

for the losses she suffered as a result of Defendant's retaliatory discharge is the common law tort of wrongful discharge.

97. Mr. Mariner, Mr. Lee, and Mr. Naude, as agents for Defendant Gordon, fired Plaintiff in furtherance of Gordon's business interest and they were acting within the scope of their employment in that they are all supervisors responsible for terminating employees. Defendant Gordon is liable and responsible for all the acts alleged in this complaint committed by Mr. Mariner, Mr. Lee, and Mr. Naude within the scope of their employment.

98. Gordon's conduct in terminating Plaintiff was deliberate, actually malicious, willful, and intentionally calculated to inflict harm upon Plaintiff. The conduct was done in furtherance of Gordons business interest. When it became clear to Gordon that Plaintiff reported the crimes against her at the hands of Mr. Robinson while working for Gordon, they terminated her employment. Gordon's managers knew Plaintiff was financially vulnerable and they further knew that they were willingly violating criminal statutes and furthermore, they fired her with actual malice because they wanted to intentionally inflict financial harm upon the Plaintiff for the purpose of sending a message to other employees. Finally, the termination was the decision of the Plaintiff's direct manager at Gordon and the unlawful conduct was further ratified by Gordon's Human Resources Department.

99. As a direct and proximate cause of Gordon's wrongful termination of Plaintiff, she was left without employment and deprived of wages and benefits which she needed to meet her obligations and basic living expenses. Plaintiff also suffered injuries including but not limited to, embarrassment and humiliation, loss of sleep, harm to her professional standing, loss of professional opportunities, emotional distress, mental anguish, loss of enjoyment of life, inconvenience, attorneys fees, and the cost and expenses of this lawsuit.

COUNT II

Maryland Common Law Tort

Negligent Supervision

Defendants Nick Mariner, Aaron Lee, and Trever Naude

100. Ms. Miller realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 88 of this Complaint with the same effect as through fully set forth herein.

101. Defendants owned their employees a duty of care to select and retain employees who were competent and fir to perform the duties of a warehouse worker and to refrain from retaining individuals who were unfit to person such duties. As a warehouse employer, Defendants must hire employees that are able and fit to work around heavy machinery and can follow directions to avoid accidental injuries. Defendants had a duty to use reasonable care to hire and retain competent employees and to provide a safe place to work.

102. Mr. Mariner, Mr. Lee, and Mr. Naude work in Gordons Aberdeen warehouse. At all relevant times, Mr. Mariner, Mr. Lee, and Mr. Naude were employees, agents and/or servants of Gordon.

103. Defendant's had actual or constructive knowledge that Mr. Robinson had a propensity for violence and that he was capable for inflicting harm on Ms. Miller in particular. Defendants knew of Mr. Robinsons propensity for being physically abusive specifically due to Ms. Miller communicating to her supervisors of specific instances where Mr. Robinson had attacked her so violently she had visible bruising and marks. Defendants also had actual or constructive knowledge of the attack on Ms. Miller moments after it happened, yet never spoke

with Mr. Robinson or asked him to leave, forcing Ms. Miller to work an entire shift with her attacker and putting the rest of the Gordon employees in jeopardy of being physically attacked. Therefore, Defendants owed such a duty of care to Ms. Miller and such duty was breached.

104. Because of Mr. Robinsons known propensity for violence and his obvious distain for Ms. Miller due to their breakup, Mr. Robinson was unfit for his duties and the likelihood of the risk of him assaulting Ms. Miller was foreseeable. After their breakup, Mr. Robinson had repeatedly ignored Ms. Miller and refused to communicate with her even though that was a part of his duties at Gordon. Ms. Miller had also communicated to her supervisors that Mr. Robinson had physically attacked her in the past due to his anger management problems. Defendants knew or should have known that Mr. Robinson was not competent or fit for the duties of his position. Defendants breached their duty to use reasonable care to retain employees who were competent and fit for the position. Further, Defendants failed to use reasonable care to supervise and discipline Mr. Robinson.

105. Defendants' conduct in retaining Mr. Robinson was deliberate, malicious, willful, and intentionally calculated to inflict harm upon Mr. Miller because Defendants were aware of Mr. Robinsons prior assaults on Ms. Miller and were aware within moments of Mr. Robinson strangling Ms. Miller on the warehouse floor. Defendants failed and refused to perform their obligations under their own internal policies and procedures designed to stop and prevent workplace violence. Defendants initially failed and refused to discipline Mr. Robinson, while threatening and yelling at Ms. Miller if she reported the incident to the police. The Defendants consciously elected to disregard Ms. Miller's rights as a victim of a workplace assault and displayed an utter disregard for the consequences for Ms. Miller without exerting any effort to avoid those consequences.

106. As a result of Defendants' negligence and their malicious conduct in retaining and/or supervising Mr. Robinson, Ms. Miller was injured as alleged herein.

PRAYER FOR RELIEF

A. An order awarding Plaintiff compensatory damages and non-economic damages suffered as a result of Defendant's actions;

B. An order awarding Plaintiff punitive damages;

C. An order awarding injunctive relief enjoining Gordon from committing future tortious acts against Plaintiff and their employees. Plaintiff further requests this Court bar Defendant and any of its owners, managers, employees, or agents from intimidating witnesses to crimes in any way or otherwise violate Md. Code, Crim. Law § 9-301, et seq.;

D. An order awarding attorneys' fee and cost;

E. Any other relief this Court deems proper.

DEMAND FOR JURY

Plaintiff hereby demands a trial by jury in this action on all issues so triable.

Respectfully Submitted,

Sarah Spitalnick

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, a true and correct copy of the foregoing Plaintiff's Amended Complaint was sent via MDEC to:

Owen J Peters,
Ogletree Deakins
1909 K Street, N.W. Suite 1000
Washington, DC 20006

D'Ontae Sylvertooth
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Counsel for Defendants

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Harford Circuit Court
Docket: 4/20/2024 1:26 PM; Submission: 4/20/2024 1:26 PM
Envelope: 16164556

MALISSA MILLER,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
GORDON FOOD SERVICE INC.,	)	HARFORD COUNTY
	)	
Defendant	)	Case No: C-12-CV-23- 000927

PLAINTIFF'S OPPOSITION TO DISMISSAL

TO THE HONORABLE JUDGE:

Plaintiff, Malissa Miller, respectfully opposes this Dismissal.

1. All Defendants have been served well within the 120 days according to Rule 2-507.
2. All Defendants have acknowledged service within the three Consent Motions to Extend Time to Respond.
3. All Defendants have participated in communications with Plaintiff regarding the above captioned matter.
4. Plaintiff has filed on April 20, 2024, all affidavits of service for all Defendants.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that this Court to allow this case to move forward and reverse the dismissal.

Respectfully submitted,

Sarah Spitalnick

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April 2024, a true and correct copy of the foregoing

Opposition to Dismissal was sent via MDEC to:

D'Ontae Sylvertooth, Esq.
Owen J. Peters, Esq
OGLETREE, DEAKINS, NASH,
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Sarah Spitalnick, Esq.
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E-FILED; Harford Circuit Court
Docket: 5/9/2024 4:30 PM; Submission: 5/9/2024 4:30 PM
Envelope: 16391364

MALISSA MILLER,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
GORDON FOOD SERVICE INC., et al	)	HARFORD COUNTY
	)	
Defendant	)	Case No: C-12-CV-23- 000927

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Plaintiff, MALISSA MILLER (hereinafter "Plaintiff" or "Ms. Miller"), respectfully opposes Defendants GORDON FOOD SERVICES INC, TREVER NAUDE, AARON LEE, and NICHOLAS MARINER (hereinafter collectively "Defendants") Motion to Dismiss Plaintiff's First Amended Complaint (hereinafter referred to respectively as the "Motion" and "FAC").

PRELIMINARY STATEMENT

This lawsuit arises out of an incident that occurred on September 12, 2022, when Ms. Miller was assaulted by a coworker and then wrongfully discharged after she reported the assault to the appropriate law enforcement officers against the direct orders of her supervisors. Defendants filed a Motion to Dismiss, arguing that (1) there is no public policy against discharging an employee for reporting an assault to the police, and (2) Ms. Miller is barred from compensation because she did not file a Workers Compensation claim under the Workers Compensation Act (WCA). The former misstates the facts, and the latter misstates the law.

First, Ms. Miller does not allege that she was discharged for reporting criminal activity to her *supervisors;* she clearly alleges that she was discharged for reporting criminal activity to the *appropriate law enforcement officers.* This is a clearly established public policy exception that states a claim for wrongful discharge upon which relief may be granted. *Wholey v. Sears, Roebuck*

& Co., 370 Md. 38, at 63 (2002) ("We believe a corresponding common law cause of action must also require external reporting to the appropriate law enforcement authorities."). Defendants argue that she was fired for other reasons, which is inappropriate at the motion to dismiss stage where the facts of the complaint and all inferences reasonably drawn from it must be viewed in a light most favorable to the nonmoving party. Accordingly, their motion should be denied with respect to Count I, the claim of wrongful discharge.

Second, the Defendants argue without citing any binding authority that her claim for negligent supervision is preempted by the WCA. But the law in Maryland is clear that such claims are not barred, and the Court of Special Appeals stated expressly that there is no authority to support Defendants argument. *Gasper v. Ruffin Hotel*, 183 Md. App. 211, 233 (Md. Ct. Spec. App. 2008) ("We find no reason to abandon those general tort principles in favor of preemption under the MWCA."). Accordingly, the motion should be denied with respect to Counts II, the claim of negligent supervision.

CONCISE STATEMENT OF FACTS

In the interest of economy, the facts of the FAC are incorporated as if stated fully herein.

On September 12, 2022, Ms. Miller was an employee at Defendant Gordon Food Service Inc. (hereinafter "Gordon") meeting all of Gordon's legitimate performance expectations. FAC ¶¶ 9-10, 95. On that day, she was working at Gordon's warehouse facility in Hartford County, Maryland. FAC ¶ 11. On that day, while acting within the scope of her employment, a coworker assaulted her by strangling her. FAC ¶ 33. Ms. Miller reported the incident to her supervisors, Defendants Naude, Lee, and Mariner. FAC ¶ 36. Her supervisors did not take any action to investigate or to protect Ms. Miller. FAC ¶¶ 39, 50-58. Ms. Miller was forced to continue working knowing that her assailant was still at large in the facility and no precautions were taken to ensure

her safety. FAC ¶¶ 40-45. Ms. Miller informed her supervisors that she desired to report the criminal assault to law enforcement. FAC ¶ 38. Her supervisors expressly forbade her from reporting the incident to law enforcement. FAC ¶ 53. Ms. Miller was told that if she wanted to call the police, she would have to leave the premises. FAC ¶ 55. She decided to leave and call the police; on her way out, she informed her supervisor that she intended to call the police. FAC ¶ 62-63. Her supervisor reiterated that she may not do so on Gordon's premises. *Id.* She called the police as soon as she was off the premises. FAC ¶64. She made a report to the police. FAC ¶ 65. On her way home after reporting to the police she received a call that she was terminated. FAC ¶ 67. Ms. Miller suffered injuries from being wrongfully terminated and from her employers' malicious conduct. FAC ¶¶ 99, 106.

LEGAL STANDARD

When ruling on a motion to dismiss for failure to state a claim upon which relief can be granted, the Court must assume the truth of all well-pleaded facts, as well as the reasonable and logical inferences which may be drawn therefrom. *Popham v. State Farm Mut. Ins. Co.*, 333 Md. 136, 140 n. 2 (1993). Dismissal is only proper if, after the allegations of the complaint are construed in this light, the facts and allegations in the complaint would fail to afford the plaintiff relief if proven. *Board of Educ. v. Browning*, 333 Md. 281, 286 (1994).

ARGUMENT

Plaintiff states a claim for wrongful discharge because Plaintiff has pleaded facts that allege that she was discharged for reporting criminal activity to the appropriate law enforcement officers, which is a clearly established recognized public policy exception in Maryland.

The Maryland Supreme Court in *Wholey v. Sears, Roebuck & Co.,* 370 Md. 38 (2002), held that an employer who terminates an employee for reporting suspected criminal activity to the appropriate law enforcement authorities violates a clearly established public policy and is liable for the tort of wrongful discharge. *See also Parks v. Alpharma, Inc.,* 421 Md. 59, 80 (2011) ("The

Legislature has created a cognizable statutory interest in the ability to report crimes or testify at an official proceeding without fear of retaliation sufficient to sustain a wrongful discharge claim, but only if the employee has reported to the appropriate law enforcement or judicial officer.").

The public policy is based on "express statutory mandate [that] provides a discernible foundation for the public policy exception sought by the petitioner; namely, the Legislature has created a misdemeanor offense for a person who harms or injures another's person or property in retaliation for reporting a crime. *See* Md. Code, Art. 27, § 762 (1957, 1996 Repl. Vol., 2001 Supp.); *Wholey*, 370 Md. at 57-58.

Accordingly, a wrongful discharge claim survives a motion to dismiss if the employee alleges that she was terminated for reporting criminal activity to the appropriate law enforcement officer. *Id*. Assault, specifically strangling, is a crime. Md. Code Ann., Crim. Law, § 3-202(a). It is appropriate to report an assault by filing a report with the police. *See* Criminal Cases, Maryland Courts (mdcourts.gov), https://www.mdcourts.gov/legalhelp/criminalcases ("Someone committed a crime against me, how do I file charges? … File a report with your local police department.").

This is a quintessential case of wrongful discharge within the public policy exception set forth in *Wholey* and *Parks* because Ms. Miller clearly alleges that she was discharged for reporting an assault to the police. The elements of wrongful discharge are (1) the employee was discharged; (2) the dismissal violated some clear mandate of public policy; and (3) there is a nexus between the defendant and the decision to fire the employee. *Wholey*, 370 Md. at 139. There is no dispute that the FAC alleges that Ms. Miller was an employee and that she was discharged. FAC ¶¶ 9-11. There is also no dispute that the FAC alleges a nexus between the Defendants and the decision to fire her. FAC ¶¶ 67-69. The Defendants argue that she does not allege that the dismissal violated some clear mandate of public policy, but they are wrong.

The FAC alleges that when Ms. Miller left the warehouse to call the police, "she saw Mr. Mariner and told him that she was going to call the police," and that "Mr. Mariner once again said to her very clearly that she was forbidden from calling the police while on the company premises." FAC ¶¶ 62-63. The FAC also alleges that just after she reported the assault to the police, she received a call from Gordon and was told her employment was terminated. FAC ¶¶ 66-67. Based on these facts, the FAC expressly alleges that "Ms. Miller was terminated due to her calling the police to report a crime." FAC ¶ 76

Defendants incorrectly rely entirely on *Yuan v. Johns Hopkins Univ.*, 452 Md. 436 (2017), and ignore *Wholey* and *Parks. Yuan* is inapposite because in that case the Court found that the plaintiff had not actually reported a crime. Yuan, a scientist at Johns Hopkins, reported to a federal agency that his employer was engaged in "research misconduct." *Id.* at 441-42. The Court found that the activity that Yuan reported was not criminal, rather it was something that was best left to the University's internal policies. *Id.* at 457-58. His claim was barred because "there was no clear violation of the research misconduct regulations to warrant a cause of action for wrongful termination." *Id.* at 456. If instead of reporting a nebulous violation of a broad federal regulation to a federal agency, Yuan had been discharged after reporting a specific crime like an assault to the police, as Ms. Miller was, his claim would not have been barred. *Id.* at 453 ("overtly broad regulations could not form the basis for a wrongful discharge claim; specificity is important when relying on a statute or regulation").

Ms. Miller clearly alleged that she was fired for calling the police to report an assault, and accordingly she has sufficiently pled a wrongful discharge claim based on a clearly established public policy exception.

The Motion should be denied because the facts alleged in the FAC, when viewed in a light most favorable to the Plaintiff, set forth a *prima facie* case of wrongful termination.

Defendants argue that the wrongful discharge claim should be dismissed because "she readily admits that GFS informed her that she was terminated for violating the company's policies. See FAC ¶¶ 67–69." Motion, at 6. This is disingenuous. *The FAC **does not admit** that she was fired for violating company policies; the FAC alleges that **she was told by the Defendants** that she was fired for violating company policies.* Ms. Miller makes a *prima facie* nonconclusory allegation that she was wrongfully discharged for reporting a crime to the police, and that the stated reasons were merely pretextual.

The FAC alleges that prior to her termination she met all legitimate performance expectations (FAC ¶ 95), and that she did not violate any policies on the day she was summarily terminated (FAC ¶¶ 24-25, 27). The FAC clearly alleges, and it can be inferred, that the reasons that the Defendants provided for her termination were internally inconsistent and obviously pretextual. FAC ¶¶ 68-69 (alleging inconsistencies between the telephone call on the day of the incident and the termination letter received the next day). The inconsistencies combined with the proximity in time to the incident and the totality of the circumstances are sufficient to draw a reasonable inference at the motion to dismiss stage to set forth a plausible *prima facie* claim of wrongful termination. She was told not to report an assault to the police, she reported to the police, she was fired immediately. The Defendants do not – and cannot – dispute these basic facts at the motion to dismiss stage.

Defendants falsely and disingenuously argue that her *prima facie* case is deficient because she included in the FAC the obviously pretextual reasons provided by the Defendants and "nothing alleged in her FAC disputes the reason given for her termination." Motion, at 6. That is not true; she clearly stated that she met all performance expectations and did not violate any policies. FAC

¶¶ 95, 24-25, 27. The Defendants also attempt to split hairs by arguing that she does not allege that she was fired for calling law enforcement, instead she was fired for telling her supervisors that she intended to call law enforcement. This is not a serious argument, and in any event, it is not sustained by the FAC which alleges that she stated her intention to call the police for an entire shift but was only fired after she actually made the report to the police. It can easily be inferred in her favor that her employers became aware that she made the report before the decision was made to terminate her.

If the Defendants wish to assert as their defense that they had legitimate reason for the discharge, they may do so by providing evidence and moving for summary judgment. But at the motion to dismiss stage, all inferences that may be reasonably drawn from the complaint are made in favor of the nonmoving party. *Parks*, 421 Md. at 72. Accordingly, dismissal of Count I is inappropriate because the facts in the FAC are sufficient to set forth a *prima facie* case that she was fired because she reported an assault to the police.[1]

Plaintiff's claim of negligent supervision is not barred by The Workers Compensation Act because the tort of negligent supervision is outside of the scope of the WCA.

Maryland law is clear that emotional injuries stemming from torts like negligent supervision are not covered by the Workers Compensation Act. *Gasper v. Ruffin Hotel*, 183 Md. App. 211, 232 (Md. Ct. Spec. App. 2008) ("[W]e cannot agree that Gasper's exclusive remedy [for her negligent hiring claim] is found in a workers' compensation claim. Ruffin has referred us to no Maryland authority, and we have found none, to support its claim of preemption under the

[1] Should the Court find that the facts alleged are not sufficient for some reason to draw the necessary inferences, Plaintiff respectfully requests that the motion be granted without prejudice and with leave to amend to provide additional facts. *Mohiuddin v. Doctors Billings & Mgmt. Sols., Inc.*, 196 Md. App. 439, 452, 9 a.3d 859, 867 (2010) (dismissal without prejudice is appropriate where dismissal is based on "some procedural glitch or lapse in the necessary formalities, something that does not engage the merits of *res judicata* and that can be readily rectified on the next try").

MWCA."); *Le v. Federated Dep't Stores, Inc*., 80 Md. App. 89, 93 (1991) ("The quiddity of false arrest, defamation, and intentional infliction of emotional distress is non-physical. Those torts are ordinarily outside the scope of the Workers' Compensation Act.").

It is undisputed that Ms. Miller is not seeking compensation for *physical* injuries caused by her assailant. *See* Motion, 13-14. She is seeking compensation for the *emotional* injuries caused by the Defendants, including "embarrassment and humiliation and emotional distress" (FAC ¶ 99), because her supervisors failed to take seriously her credible allegations of physical assault, and because they forced her to "work an entire shift with her attacker" without doing anything to ensure her safety (FAC ¶ 103). The Defendants even went so far as to yell at her and to tell her "to move on with the day as if the assault had never happened." FAC ¶ 59. *See also* FAC ¶ 71 ("All her supervisors ignored her concerns and instead yelled at her for hiding from her attacker."); FAC ¶ 105 ("Defendants consciously elected to disregard Ms. Miller's rights as a victim of workplace assault and displayed an utter disregard for the consequences for Ms. Miller without exerting any effort to avoid those consequences."). As a result of her supervisors' negligent supervision, she suffered emotional injuries. The WCA does not provide a remedy for negligent supervision that causes nonphysical harm. *Gasper*, 183 Md. App. at 232.

Defendants' argument relies entirely on a single unreported Maryland case and two unreported Federal cases. Motion, at 11-12 (citing *Gladhill v. Chevy Chase Bank, F.S.B.,* No. 905 September Term, 2000, 2001 WL 894267, at *22 (Md. Ct. Spec. App. Aug. 1, 2001); *Lagrimas v. Gossel*, No. HAR 92–2262, 1993 WL 18951, at *3 (D. Md. Jan. 25 1993); *Plater v. UE&C Catalytic, Inc.,* No. HM–92–466, 1992 WL 414814 at *2 (D. Md. Oct. 14, 1992)). But the law in Maryland is clearly stated in the reported Court of Special Appeals case *Gasper v. Ruffin Hotel,* 183 Md. App. 211 (Md. Ct. Spec. App. 2008). In that case, a hotel employee was sexually assaulted

by a fellow employee and subsequently retaliated against for reporting the assault to her manager. *Id.* at 216-17. The defendants in that case made the same argument as the Defendants here, and the Court expressly rejected the argument. *Id.* at 230-233 ("we cannot agree that Gasper's exclusive remedy is found in a workers' compensation claim. Ruffin has referred us to no Maryland authority, and we have found none, to support its claim of preemption under the MWCA."). The court expressly stated that there is no authority to support the argument that the tort of negligent hiring was preempted by the WCA and concluded "we find no reason to abandon those general tort principles in favor of preemption under the MWCA."

The Defendants here cite no binding authority to support their argument and rely entirely on unreported cases that predate *Gasper*. Accordingly, the Motion to Dismiss Count II should be denied.

CONCLUSION

WHEREFORE, for the foregoing reasons, Ms. Miller respectfully requests that this Court DENY the Defendant's Motion to Dismiss.

Dated: May 9. 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May 2024, a true and correct copy of the foregoing Opposition to Defendants' Motion to Dismiss and Proposed Order was sent via MDEC to:

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E-FILED; Harford Circuit Court
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MALISSA MILLER,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
GORDON FOOD SERVICES INC., et al	)	CARROLL COUNTY
	)	
Defendants	)	
	)	CaseNo: C-06-CV-23-000313

PLAINTIFF'S SUPPLEMENTAL BRIEFING IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On March 5, 2025, Defendants filed a motion for summary judgment. A hearing was held on the motion on March 18, 2025, before the 15 day deadline for Plaintiff to file a response. Accordingly, the Court provided Plaintiff until March 21, 2025 to submit a supplemental response.

The issue before the court is whether there are triable issues with respect to the two claims in the Amended Complaint. The first claim is wrongful termination and it alleges that Plaintiff was wrongfully terminated because the Defendants fired her for calling the police to report an assault that she was the victim of at Gordon Foods' Warehouse that occurred while she was working a shift in the warehouse for Gordon Foods, in violation of a clear public policy.

Plaintiff alleges and will testify at trial that on September 12, 2022, she reported an assault to her supervisors just after it happened at 7:00 AM. As of 9:00 AM, her supervisor Nick Mariner sent an email to Aaron Lee that he would be obtaining the video and conducting his own investigation. Exhibit B. Neither Mariner nor Lee work for HR. HR did not make any written documentation of the incident until 2:24 when HR Manager Monet Green sent an email to

Defendant Trevor Naude, also in HR, that Miller should be sent an envelope to return her security badge. Exhibit A. At 2:15, Mariner sent an email to Lee, not including Green, recommending that Miller be terminated. Exhibit B. He mentioned that Green had a conversation with Miller, and that Green also felt that Miller should be fired. Mariner asked Lee if he also supported termination. *Id.* At 2:39, Lee cc'd Green in his response to Mariner and stated he agreed because "physical contact of any kind will not be tolerated." *Id.* At 2:41, Mariner sent an email to Kim Ziemann of Gordon Foods requesting that Miller's security badge be deactivated.

Miller alleges, and Mariner and Lee confirm in their individual affidavits, that Miller was erratic after the assault persistently demanded that Defendants call the police. The Defendants refused and told her that she was not permitted to do so while on Gordon's premises. She remained in a panicked state in her office from 7:00 AM until the end of her shift at 1:00 PM. At that time, she disobeyed Defendants instructions and called the police from her office. She told Mariner that she was going to call the police before she did.

She was able to see the parking lot from her office window. The police responded at 1:25, and called Miller to let them know they arrived. Miller ran out of her office to meet the police in the parking lot. On her way out, Monet opened the door after Miller was already halfway out of the parking lot. Monet called Miller's name, but Miller said, "don't talk to me now, now that the police are here." Defendants Exhibit A, Miller Deposition Transcript, at 393:2-7. This is evidence that Gordon knew about the police being called and responding, at around 1:25.

Miller spoke to the police, and a report with her statement was filed at 1:38 PM. Miller got in her car and drove to her home that is 22.3 miles away from Gordon's warehouse. During her ride home, Monet Green called her and told her that she was fired because she violated safety policies. Exhibit E, page 2 ("as you all told me on the phone it was bc of a safety violation.").

The next day Miller received a one paragraph letter that she was terminated "for your actions that day, which violated GFS Code of Conduct, safety policies and Workplace Violence policy." Exhibit E, page 1. No other details were given. Her termination was effective on September 12.

Plaintiff alleges and argues that the reasonable inference based on the circumstances is that her termination occurred on a phone call with Green at around 2:00 PM when Plaintiff was driving home, just minutes from when she was seen by Green speaking to the police, after she had indicated throughout the day that she wanted to report the assault to the police. The scant documentation that was generated after her termination is nothing more than window dressing to cover up the true wrongful reason for her termination.

There is copious evidence that supports Miller's theory. The most glaring is the irregularity of the "investigation" to the extent there was an investigation at all. Gordon is a large company that has procedures for investigations of even offensive comments, as is shown by the extensive investigations into Defendant Aaron Lee's conduct that occurred soon after Miller's termination. Lee was accused of several instances of making offensive comments, including saying the N-word and disparaging a pregnant woman for her weight. He also on multiple occasions made comments that were found upon investigation to be retaliatory. In each of these cases, a thorough investigation was conducted, including witness statements and opportunity for Lee to provide his version of events. In none of these cases was he terminated summarily as Miller was. In all cases, recommendations were made as to what the consequences should be. He was not fired until after several infractions.

Miller's case is starkly different. There was no investigation report of the incident which included a complaint of criminal physical assault by a male employee against a female employee. The only evidence of an investigation of any kind is a one sentence, hand written

statement from the assailant. Exhibit I, GFS 000076. There is no investigation into safety concerns or code of conduct violations. There are no witness statements. There is no HR report of an investigation. There is no finding of facts. There are no conclusions as to which specific policies were violated and how. There are no recommendations as to next steps. She was summarily fired, and a one-page ad hoc report by her supervisor - not HR - was hastily slopped together the next day. Moreover, from the documentation it appears that Robinson, the assailant, was even permitted to come to work on September 13, as his termination was effective on the 13th, whereas Miller's was effective on the 12th. The fact that Miller received a phone call minutes after her police report was filed, whereas Robinson was seemingly blissfully unaware of his termination until he came into work the next day, strongly suggests that Miller was filed because she called the police.

Moreover, the investigations into Lee show that he had a propensity for retaliating against female employees like Miller, and that he did not respect the hiring and firing processes of HR and Gordon in general. This supports the theory that Miller was not fired because of any conduct, but rather in retaliation for calling law enforcement.

Moreover, Defendants claim that part of Miller's firing was because she used offensive language, but the Lee investigations show that foul language was routine and not a fireable offense, and was routine even among leadership.

Finally, all of the investigations into Lee suggest that Gordon was not concerned as much with the offensive comments to female and minority employees as much as they were concerned with legal liability. Lee was allowed to continue to be employed after five instances of offensive language, including using the N-word, disparaging a pregnant woman because of her weight, making female employees feel "threatened," and actually threatening retaliation. He was

ultimately fired for subjecting Gordon to federal liability for rehiring an employee without filling out the proper federal paperwork, thus showing that Gordon was more concerned with liability than it was with the safety and dignity of its employees. This supports Miller's allegation that she was not fired because she offended anyone with foul language or violated a safety regulation, but rather because calling the police could subject Gordon to legal liability.

There is ample evidence for a jury to find that Gordon's alternative theory is pretextual and that Miller was wrongfully terminated for calling the police. This is a triable issue of material fact, and therefore summary judgment should be denied and count one for wrongful termination should proceed to a jury.

Cout two is far more simple. Miller testifies that Defendants were on notice that Robinson had bruised her in a domestic issue in the past. Defendants Exhibit A, Miller Deposition Transcript, at 153-54. Defendants did nothing to investigate these allegations of physical abuse by Robinson against Miller. Based on the Lee investigations, Gordon should have taken very seriously the fact that one of their employees working on the warehouse floor had allegedly physically abused a female coworker. This should have triggered an investigation, especially with how Gordon sprang into action when a single derogatory comment was made about a pregnant woman's weight. Defendants had a duty to investigate as it did other allegations of verbal offense. Defendants breached the duty by not doing so. As a proximate result of the breach, no precautions were taken to at least ensure that Robinson and Miller do not come into contact with each other until the complaint was reasonably investigated to ensure that Miller was not in danger. The breach ultimately led to Miller being assaulted on the warehouse floor. Moreover, when Robinson assaulted on September 12, Defendants had a duty to ensure Miller's safety by calling the police or at least by sending Robinson home. His presence in the facility

caused emotional trauma, especially since she could not see him and feared he could appear at any moment and assault her again.

Defendants argue that Miller said that she wouldn't bring her drama to work, and that notice that Robinson was violent at home is not the same as notice that he would be violent in the workplace. But these are all questions for the jury. Miller said she would not bring HER drama to work. That says nothing as to whether Robinson would bring HIS drama. Defendants' argument that knowledge that Robinson was potentially violent at home does not translate to violence in the workplace does not hold water. The fact is, a complaint was made by Miller that Robinson was physically abusive towards her. It should not matter where he was abusive, only that he was abusive, and Gordon had a duty to investigate to make sure there was no danger. A jury can find that such knowledge put Defendant on notice that he could be violent to her again. Finally, Defendants argue that Miller had a duty to be more proactive in reporting the domestic abuse. This blame-the-victim approach should not be credited as a matter of law. A jury could find that she made it known loud and clear to the Defendants. These are all triable issues and therefore Count two should also proceed to a jury trial.

PLAINTIFF'S STATEMENT OF FACTS AND INFERENCES

Timeline of September 12-13, 2022

1. Inferences drawn from the timeline of events on September 12 and 13, show that Miller was fired in a phone call by Monet Green that took place just after 2 PM, minutes after a police report was filed at 1:38 PM, and that GFS employees had email discussions *after the fact* to create the false impression that there was an investigation and deliberation before firing her and to create a paper trail to support a legitimate pretextual reason for the firing that was not motivated by retaliation for filing the police report.

2. On September 12, 2022, at around 7:00 am, an altercation occurred between Robinson and Miller. The altercation was captured on video. In the video, Robinson can be seen making physical contact with Miller.

3. Miller considered the incident to be a criminal assault.

4. Within minutes, Miller reported the assault to Mariner.

5. At exactly 9:00 am, Mariner sent an email to Lee stating that he was conducting an investigation, and that he planned to take statements from Robinson and Miller and obtain the video. The inference is that he had not done that as of 9:00 am, two hours after the incident had occurred showing a lack of urgency. Exhibit B.

6. He also said he had instructed Robinson and Miller not to discuss the incident with other teammates while the internal investigation was ongoing. Exhibit B.

7. As set forth below, the "investigation" into the Miller incident deviated in every way from routine investigations, as shown from six investigations into Defendant Aaron Lee. Exhibits J, L, M, N, O, and P.

8. There are no written communications regarding the incident from 9 am until 2:15 pm. This shows there were no deliberations about whether the incident itself was grounds for termination.

9. For six hours, from 7:00 AM until sometime around 1:00 PM, Miller went to Mariner multiple times throughout the day asking about what they were doing about her report of Robinson assaulting her. Mariner Aff.

10. Miller was told not to call the police on GFS property. Miller depo at 183:13-184:20.

11. Miller called the police from her office at around 1 pm. Miller depo at 183-84.

12. Miller was able to see the GFS parking lot from her office.

13. Miller saw the police arrive in the GFS parking lot at around 1:15. At that time, Miller got up to leave her office to meet the police in the parking lot.

14. On her way out, Miller told Mariner at around 1:15 pm that she was going to call the police. Miller Depo., at 183-85.

15. As Miller left to meet the police, Green yelled to her in the parking lot that she wanted to talk to Miller, but Miller did not talk to her because she went to go meet the police. Miller declaration. *Id.* at 393.

16. Miller met the police at 1:25 pm. Exhibit H.

17. Miller spoke with the police in the GFS parking lot for 13 minutes. Exhibit H.

18. Miller left GFS at around 1:38. Exhibit H.

19. During Miller's drive home she received a phone call from Monet Green around 2pm, 22 minutes after she had spoken to the police. Miller depo, at 320, 357.

20. Miller lived 22.3 miles from GFS.

21. Green called Miller sometime between 1:50 pm and 2:00 pm telling her she was terminated. Exhibit B. Miller Depo, at 357.

22. This is further supported by the reference to "her conversation with Monet" in Mariner's 2:15 pm email. Exhibit B.

23. It is also supported by an email sent the next day at 1:32 PM where Miller wrote to Green, "as you told me on the phone it was because of a safety violation." Exhibit E.

24. The fact that it was Monet Green who called Miller to terminate her is further supported by the September 13 termination letter sent from Green to Miller referring to "our phone call."

25. At 2:15 Mariner suggests in an email to Lee that Miller be terminated. Exhibit B.

26. This email occurred at least 15 minutes after Miller received the call from Green telling her that she was terminated. Miller Depo at 357.

27. Monet Green was not included in Mariner's 2:15 email, which can be inferred from the fact that he refers to "Monet" in the third person as if she is not included. *Id.*

28. At 2:24 Monet Green emailed Trevor Naude, "Please send an envelope to Christopher Robinson and Malissa Miller requesting their badges be returned. They can enclose their badges in the self-addressed envelope," showing that Miller was fired sometime before 2:24 PM. Exhibit A. Miller and Lee were not included in that email.

29. Lee responds to Mariner at 2:39 stating he agrees that Miller and Robinson should be terminated. Exhibit B. By that time, Monet Green had already fired Miller and had taken steps to revoke Miller's badge credentials.

30. At 2:41 Mariner emailed Kim Ziemann to turn Miller's badge off. Exhibit B. Monet Green and Trevor Naude were not included in that email.

31. From the two separate email conversations requesting that Miller's badge access be revoked, one at 2:24, and the other at 2:41, it can be inferred in a light favorable to Miller that she was fired by Monet prior to 2:24.

32. At 2:41, two minutes after Mariner and Lee "agreed" that Miller should be terminated, Miller emailed Eric Don asking why she was terminated. Exhibit B.

33. The inference in a light most favorable to Miller is that she was fired earlier than 2:39. To infer otherwise suggests that Mariner saw Lee's email agreeing that she should be fired almost immediately, and then picked up the phone, called Miller to fire her, and then typed up an email to revoke her credentials, all in a span of 2 minutes, which is very unlikely. A much more

reasonable inference, in a light most favorable to Miller's case, is that the firing phone call was from Monet Green and it took place prior to 2:24.

34. At 5:13 pm Miller requested a letter of termination, Exhibit B.

35. The next day, September 13, 2022, at 11:54 PM Green emailed a generic termination letter that did not include reasons why Miller was fired. Exhibit E.

36. At 1:32, Miller responded to the generic termination letter and requested for the reasons specifically why she was terminated. Exhibit E.

37. At 4:17, Green sent a second termination letter stating, As it was mentioned on your call with your supervisor, your employment is being terminated by GFS effective September 12, 2022, for your actions that day, which violated GFS Code of Conduct, safety policies and Workplace Violence policy. Exhibit E.

38. The second more detailed termination letter did not include any investigation report.

39. Moreover, the letter did not include any past incidents of bad conduct. The reasonable inference is that this was Miller's first violation of the code of conduct that she is accused of violating. When compared with the investigation reports regarding Aaron Lee's conduct that are set forth in detail below where Lee was given five chances on separate incidents before he was terminated, the reasonable inference is that Miller was not fired for her conduct, but for some other reason.

40. There are suggestions in Exhibit E that there was a phone call with Mariner, but there is no indication as to when that call took place. The inference drawn in favor of Miller suggests the call occurred on September 13, between 1:32 when Miller demanded reasons why

she was terminated and 4:17, when Green referenced that there was a call with her supervisor, presumably Marnier.

41. On September 13, Nick Mariner signed and dated a "Notice of Termination" report. Exhibit F. The report was not signed by Miller. *Id.* The report concludes that the findings "will result in termination of employment." The inference to be made in favor of Miller is that these reports are routinely provided to employees prior to their termination, and the employees are asked to sign them. Here, it was not prepared until a day after her termination.

42. The report even includes a section on "resources/solutions" and recommends for Miller to "Escalate any issues that you have to your lead or supervisor. Do not engage in behavior that will go against our code of conduct policy and safety handbook." *Id.* A section including a remedy and directions for future conduct makes no sense in a report that concludes that she will be terminated. The inference to be drawn in Miller's favor is that this irregular and seemingly irrational application of the normal procedures, completed a day after she was already terminated, suggests that the Defendants sought to create a paper trail to cover up wrongful retaliatory termination with a seemingly legitimate reason.

43. Also on September 13, Mariner signed and dated a similar report for Robinson's termination. Exhibit I. This included a document that purports to be a "witness statement" from Christopher Robinson. The statement is not signed or dated. The statement admits to assaulting Miller, stating, "I was operating a forklift and Malissa came to me screaming and hollering and cursing calling me a Bitch and gerring in my space so I pushed her away." *Id.*

44. Unlike Miller who was terminated effective September 12, Robinson's termination was effective September 13, suggesting that he came to work that day.

45. The inference drawn in favor of Miller is that there was no investigation on September 12, and that Robinson was not interviewed on the 12, and that Robinson was not fired on the 12th.

46. There is only an unsigned brief write statement from Robinson but no written statement from Miller, even though Miller reported the assault several times on September 12, from the moment it happened until the decision to terminate her. There is no evidence that she was asked to provide a written statement, and there is evidence that she would have provided one in that she did provide a written statement to the police. *Id.*

47. The timeline suggests that Miller was fired because she called the police. This inference is reasonable, in sum, because she reported the assault at 7:00 AM, and was not fired until just minutes after she called the police, and before an investigation into the incident was concluded. The Defendants claim that she was fired because she acted inappropriately during the incident and when reporting the incident. But if that were true, they could have fired her and sent her home at 7:00 AM, or 9:00 AM, or anytime between 9:00 AM and 1:00 PM. But they did not. They only fired her minutes after a police report was filed at the address of Gordon Foods (see Exhibit H). The firing occurred a day prior to the conclusion of Mariner's investigation into the incident, and a day prior to when the assailant Robinson was fired. Exhibit I. It is at least as reasonable to infer that in fact the firing occurred at around 2 PM on September 12, in a phone call by Monet Green because Green saw Miller speaking with the police, or else assumed that Miller called the police because Miller had felt she was assaulted and had told them that she would contact the police, which is not an unreasonable inference. The Defendants ask the Court to infer that she was fired based on their pretextual reasons. But this inference is not made in a light most favorable to Miller, and further it is not reasonable, because if true, Miller would have

either been fired earlier in the day when she was allegedly inappropriate with the Defendants, or else the next day after the conclusion of the investigation and after she had a chance to provide a written statement as her assailant was provided. That fact that she was summarily fired just after the police report was filed suggests that she was fired because the Defendants were aware of the police report.

Previous violations of similar policies:

48. Aaron Lee had been investigated five times before he was terminated. These investigations show the normal policies employed for these types of investigations. The procedure was obviously different and more reflects a deliberative process and thorough investigations. Significantly, the Lee investigations were conducted by HR and the supervisors are interviewed as witnesses, as opposed to in Miller's case, where the investigator was her supervisor Mariner who instead should have been interviewed as a witness to her alleged violation of the code of conduct. The inference to be drawn in Miller's favor is that the "investigation" of Miller was a sham, and in fact she was fired summarily at around 2:00 PM just after she filed a police report because the Defendants were aware of the police report and fired her in retaliation, and not because of the "findings" of the irregular sham investigation.

49. The incidents described in the investigation reports against Lee and set forth below show he had a propensity for insensitivity and disrespect towards female employees, and a pattern of retaliation, including threatening to terminate them.

50. Most significantly, one of the investigation reports specifically found that Lee engaged in "retaliation against an employee who exercises his or her rights under the law." Exhibit N, page 3, Bates stamp GFS 000484.

51. A Complaint was filed against Lee on January 23, 2023, not long after Miller's termination. Exhibit J. In that case, there was a "Confidential Investigative Report" form that is thorough and comprehensive. He was investigated for allegedly "using disrespectful words that was insulting" to another employee - the same allegation that Miller was supposedly fired for.

52. The investigation was conducted by Monet Green from the HR department. In Miller's case, Mariner claimed to conduct the investigation, which seems to be out of his realm of responsibility.

53. The finding was that Lee had violated the code of conduct.

54. The investigation included statements taken from witnesses who were present at the time of the incident. No witnesses were interviewed in Miller's case.

55. The investigation report included a section stating that "this investigation began on 1/24/2023 and is being carried out in accordance with the Company Code of Conduct Policy." No such statement was made in the Miller case. The report discusses the initiation of the investigation and thoroughly details the process of the investigation.

56. There is a section about findings and conclusions. It cites to the page in the "standards of conduct" and states specifically how the alleged conduct violated the company's policies. None of this was done in Miller's case, even though she specifically asked for the reasons she was fired. The Lee investigation included an appendix with a record of evidence including the GFS code of conduct policy. This did not occur in Miller's case.

57. Not only was Lee not fired for this conduct, according to the report's conclusion, he was provided feedback and he "did not agree with the feedback, refused to acknowledge the problem, and according to Green, he "undermines HR's ability to ensure the upholding of Gordon Foods Cornerstone values." Exhibit J, page 2.

58. On February 7, 2023, Green investigated Lee again. Exhibit L.

59. In that case, the incident involved a verbal altercation between Lee and another female employee who was "in a distressed state." The female employee reported the altercation to Monet Green at 9:07 PM. Green immediately headed to the office in the evening and arrived at 9:45 PM "to attempt conflict resolution." This type of immediate response did not occur in Miller's case, even though it happened during the day when Green was in the office, and involved a physical altercation and a female employee (Miller) who was also in a "distressed state." In the case on February 7, Green arrived too late to interview the female employee who had already left, but still conducted an investigation and interviewed witnesses.

60. Lee was accused of violating several policies including "threatening language," inappropriate conduct," and "retaliation," but "no actions were taken as the employee signed before the conclusion of the investigation. Exhibit L. The investigation report was written ten days later on February 17, showing that investigations into this type of conduct are not concluded within hours.

61. The appendix of evidence included text messages from HR to the complainant. Exhibit L.

62. Just days after the conclusion of the investigation of the February 7 incident, on February 21, another complaint was made against Lee. This time, Lee sent an email that was found to be "disrespectful." Exhibit M.

63. The investigation of a "disrespectful" email took several days, and a meeting with Lee to discuss the email occurred a week later on February 28. In the case of Miller, she was fired before the conclusion of an investigation that only supposedly occurred the following day and was nowhere near as thorough as the investigation into a disrespectful email. The reasonable

inference to be drawn in Miller's favor is that the "investigation" of Miller's incident was a sham.

64. Lee was provided multiple opportunities during the investigation to respond to the allegations of misconduct. Once by email on February 22, and a second time at the meeting with Lee on February 28, to discuss the email. Exhibit L. Miller was never provided with such an opportunity. Once again, the inference to be drawn is that the "investigation" into her incident was a sham.

65. The investigation concluded that Lee was "inappropriate, rude, and disparaging." During the meeting, Lee showed "resistance to feedback and failed to take responsibility for his actions." The company's response was to make him aware of the policies, and provide training programs to educate him on the importance of treating coworkers with respect and dignity. Exhibit M. Miller was not provided with these opportunities. The inference drawn in Miller's favor is that the pretext that she was fired for her conduct towards others is not legitimate, and in fact, she was fired because she called the police.

66. Supporting evidence in the February 21 incident investigation report included written responses from Lee to the allegations against him. No such evidence was obtained in Miller's case.

67. Two days after the February 21 incident occurred and while he was under investigation for that incident, Lee allegedly "insulted a female employee's pregnancy related weight and threatened to retaliate and terminate her job for taking maternity leave." Exhibit N.

68. The investigation into this comment made on February 23, concluded on March 9. The investigation included statements taken from 3 witnesses. The disparaging remarks about

her pregnancy were considered so serious that on March 3, "details of the complaint were escalated to the Human Resources Regional Director." Exhibit N.

69. The report found that Lee violated several Gordon policies, including **"retaliation against an employee who exercises his or her rights under the law."** This is the exact allegation that Miller is making in this lawsuit. Exhibit N, page 3.

70. The report also found that he engaged in "threatening, intimidating, or assaulting, another person." Exhibit N, page 3.

71. Lee was still not fired for his conduct, and instead it was recommended that he "apologize" and complete an online training course. A written document was added to his personnel file, he was required to complete a "360 review" and his "progress" would be supported and monitored. The report included multiple detailed written statements, unlike Miller's that only contained a one sentence statement from Robinson. The reasonable inference is that the "investigation" into Miller's incident was a sham.

72. On July 25, Lee was investigated for another violation of company policies. This time, on July 18, Lee used the n-word. Exhibit O. An investigation began the same day the complaint was filed.

73. During the investigation, HR inquired if others had heard Lee say the n-word or other profane words, including the F-word. Several witnesses were interviewed and several witnesses reported that cursing is routine and commonplace at the warehouse. One witness stated, "If the N word or any profanity was used he would not have noticed because they speak that way amongst themselves as leaders but not out on the floor for employees to hear." Another witnesses stated, "that it's normal for the warehouse production leadership to curse." He also stated that "we are comfortable enough with each other to be direct and talk like we are in the

street but not really in the street." Another witness stated, that "they all curse." Exhibit O, page 2 GFS 000490.

74. The reasonable inference drawn in Miller's favor from these witness statements is that cursing is routine, even among the leadership, and acceptable and not a fireable offense. It is notable that Lee was supposedly part of the deliberations to terminate Miller at 2:39 PM on September 12, when he in fact called another employee the N-word on another occasion. The only reasonable inference is that Lee did not believe that Miller should have been terminated for cursing.

75. The investigation found that Lee had engaged in "expletive language" and that "this is not the first incident related to Aaron Lee demonstrating behavior that is contrary to GFS standards of conduct." The report went on to list all of the previous incidents mentioned above. The reasonable inference is that cursing is not a fireable offense for a first time offender.

76. The conclusion at the end of the report was that "appropriate actions must be taken to address the policy violation and maintain the integrity of our organization." But the report does not indicate which steps were recommended. Exhibit O. The investigation report was signed on July 26.

77. On July 24, another complaint was made against Lee. Exhibit P. In this instance, Lee allowed a rehire to start work before completing a federal I-9 document that must, by law, be filed no later than the start date. The investigation was completed on July 31, after the investigation into the N-word incident. At the conclusion of the report, HR recommended termination.

78. All of these incident reports show that in the normal course, investigations are thorough and take multiple days. They include witness statements and an opportunity for the

employee to give a statement as well. HR makes findings of facts and then makes recommendations as to next steps. None of this happened with Miller. We don't see any report about an investigation into the assault incident or into her alleged cursing and other violation of safety or code of conduct. All of this leads to the inference that the event that triggered the firing of Miller was her filing a police report, and a reasonable jury can find that the reason offered by the Defendants is pretextual and not the real reason.

Negligent supervision:

79. Miller put GFS on notice of Robinsons propensity for violence when she showed and told Nick that Robinson caused the knot on her head (Miller Depo p. 117, 14- 119,6)

80. Miller told Nick when she told him about the knot that she would keep HER personal drama out of the workplace. Miller depo, at 154.

81. GFS did nothing to look into this matter further, they took Miller's statement about the knot on her head and took no further steps. (Miller depo p. 117, 14- 119,6)

82. After the assault Miller reported Robinson immediately (Miller depo p. 102, 1-15.

83. GFS did nothing to protect Miller while they looked into the matter. The only thing Miller and Robinson were told was to stay away from each other. (Exhibit B)

84. GFS had a report of a male physically assaulting a female co-worker, and before the allegations could be proven false, GFS allowed the two of them work their shifts, where Miller could not see Robinson. (Exhibit B)

85. GFS told Miller and Robinson not to interact, if Robinson cannot communicate with Miller, then he cannot perform his duties. (B, Miller depo 231, 21- 232, 10)

86. Nick stated that Miller could have used the leads to communicate with Robinson, even though that is not their job. (Mariner aff).

87. GFS was also on notice that Robinson has a propensity for violence, as he just attacked a woman at work.

88. There was a video tape of the assault, where it was never in dispute that Robinson physically assaulted Miller.

89. The moment GFS saw the video of Robinson assaulting Miller, Robinson was unfit for his duties. Even if the assault did not cause Robinson to be unfit for his duties would be that Robinson and Miller could not interact requiring them to use third parties to do his duties Mariner aff)

CONCLUSION

For those reasons, the Court should find there are triable issues of fact, summary judgment should be denied, and the claims should proceed to trial by jury.

Dated: March 21, 2025

Respectfully Submitted,

/s/Sarah Spitalnick
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this th day of March 21, 2025, a true and correct copy of the foregoing Plaintiff's Supplemental Briefing in Opposition to Defendants' Motion for Summary Judgement was sent via MDEC to counsel of record for the Defendants.

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for plaintiff

E-FILED; Howard Circuit Court
Docket: 4/12/2024 5:35 PM; Submission: 4/12/2024 5:35 PM
Envelope: 16084584

BLAKE HADEL, 4050 Beach Road, Dundalk, MD 21222 *Plaintiff*,	)	IN THE CIRCUIT COURT FOR HOWARD
v.	)	
ACADEMY FORD SALES, INC. 13401 Baltimore Ave. Laural, MD 20707 and ANTWERPEN AUTO GROUP 12420 Auto Drive Suit 201 Clarksville MD, 21029 and MEGHAN MAGGIO 7295 Jenna Road. Marriotsville, MD 21104 *Defendants*,	)	COUNTY CASE NO: C- C-13-CV-24-000309

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq., hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF ACTION

1. Plaintiff, Blake Hadel, (hereinafter "Plaintiff" or "Mr. Hadel") desired to purchase a new truck. Defendant Meghan Maggio (hereinafter "Ms. Maggio"), an employee of Defendant Antwerpen Auto Group (hereinafter "Antwerpen"), made several false statements to induce Mr. Hadel to purchase an expensive truck from Antwerpen by promising a "house deal" that would enable Mr. Hadel to purchase the truck at a significant discount.

2. The "house deal" involved, *inter alia*, a rebate whereby Mr. Hadel would take out a loan for the truck and Antwerpen would reimburse him for a substantial portion of the cost. But

for these misrepresentations, Mr. Hadel would otherwise not have considered purchasing such an expensive truck.

3. Ms. Maggio's employer Antwerpen knew or should have known that Ms. Maggio made these false statements, and by its actions and inactions it contributed to Mr. Hadel's reasonable reliance on Ms. Maggio's false statements.

4. Ms. Maggio further misrepresented that Defendant Academy Ford Sales (hereinafter "Academy") would facilitate the "house deal." Ms. Maggio personally brought Mr. Hadel to Academy to purchase the expensive truck. Ms. Maggio told the employees of Academy about the "house deal." Academy sold Mr. Hadel the truck, even though it knew or should have known that the "house deal" was a misrepresentation and that by selling the truck to Mr. Hadel, it would be furthering the victimization of Mr. Hadel.

5. Further, Academy forged Mr. Hadel's signature on several documents which they submitted to a bank which then authorized a loan in Mr. Hadel's name.

6. By the time Mr. Hadel realized that he had been lied to, he had already incurred substantial damages.

7. Mr. Hadel seeks an award from this court for compensatory damages, punitive damages, statutory damages, interest, attorney fees, and court costs.

PARTIES

8. Plaintiff, BLAKE HADEL, is a resident of the State of Maryland.

9. Defendant, MEGHAN MAGGIO, is a resident of the State of Maryland.

10. Defendant, ACADEMY FORD SALES INC., is a corporation incorporated under the laws of Maryland, with its principal place of business in Maryland.

11. Defendant, ANTWERPEN AUTO GROUP, is a corporation incorporated under the laws of Maryland, with its principal place of business in Maryland.

JURISDICTION AND VENUE

12. Jurisdiction is proper pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501 and § 6-102, because Ms. Maggio resides in Maryland and both Antwerpen Auto Group and Academy Ford Sales Inc.'s primary places of business are in Maryland.

13. Venue is proper pursuant to § 6-201 because Defendant Antwerpen Auto Group has its principal office in Howard County.

FACTS

MS. MAGGIOS INDUCEMENT OF MR. HADEL

14. Mr. Hadel met Ms. Maggio socially around June of 2020.

15. At that time, Ms. Maggio was an employee of Antwerpen.

16. Around June or July of 2021, Mr. Hadel mentioned to Ms. Maggio that he was going to trade in his 2011 F-250 truck that he owned at that time and purchase a newer used F-150 to replace it.

17. Ms. Maggio told Mr. Hadel not to buy an F-150 because she could get him a "house deal" with her employer Antwerpen on a brand new 2021 Ford F-250 Super Duty pick-up truck (hereinafter "F-250"), which is far better than any truck that Mr. Hadel was considering.

18. Ms. Maggio told Mr. Hadel that she was an authorized agent and authorized by Jack and Michael Antwerpen to give Mr. Hadel this "house deal."

19. Jack and Michael Antwerpen were the co-owners of Antwerpen at that time.

20. Ms. Maggio stated that Antwerpen had a particular F-250 available at its location in Clarksville, MD for this "house deal."

21. Ms. Maggio stated that the "house deal" required that Mr. Hadel trade in his old F-250 and pay a nominal down payment.

22. Additionally, Antwerpen would assist Mr. Hadel in applying for and obtaining a loan to cover the cost of the vehicle, and Antwerpen would furnish a substantial rebate on the purchase of the vehicle that Mr. Hadel could then use towards paying off the loan.

23. These statements were false. There was no F-250 available for this "house deal," and Antwerpen had no intention of furnishing a rebate of any kind.

24. Mr. Hadel reasonably relied on Ms. Maggio's representations because he knew Ms. Maggio was a car salesperson for Antwerpen.

25. Ms. Maggio told Mr. Hadel that she was authorized to offer deals and sell cars to customers.

26. Ms. Maggio's employment at Antwerpen was documented through multiple postings on Facebook. Ms. Maggio was proud of her employment at Antwerpen and would constantly tell Mr. Hadel about her employment there. Mr. Hadel had no reason to doubt Ms. Maggio's employment at Antwerpen or the deal she was offering him due to her confident demeanor and ample proof she was authorized to offer Mr. Hadel a deal on the F-250.

27. Further, Ms. Maggio represented that the deal was being offered because COVID had disrupted the car industry.

28. During that time, around 2021, many industries, including the car industry, were suffering, and it was not uncommon to see unusual offers from retailers.

29. Ms. Maggio knew that but for her representations Mr. Hadel would not have bought the F-250.

30. Ms. Maggio knew that Mr. Hadel could not afford the F-250 at its retail price without the rebate that she offered.

31. Ms. Maggio knew that Mr. Hadel had never purchased a new truck or taken out a vehicle sales loan. She knew he that he only bought used cars from private sellers and had never before been to a car dealership to purchase a car.

THE PURCHASE OF THE F-250

32. Around the beginning of September, Mr. Hadel told Ms. Maggio that he was interested in accepting the "house deal" and asked when he could go to Antwerpen to purchase the F-250.

33. On or about September 9, 2021, Ms. Maggio informed Mr. Hadel that she would facilitate the "house deal" but there was a minor modification. Specifically, she told Mr. Hadel that the vehicle that had been reserved for the "house deal" had been damaged by an employee at Antwerpen who put the wrong type of gas into the gas tank.

34. Ms. Maggio said that she had arranged on behalf of Antwerpen to take Mr. Hadel to another car dealership, Academy, and that Mr. Hadel would buy the car from Academy and that Antwerpen would furnish the rebate to Mr. Hadel.

35. On or about September 11, 2021, Ms. Maggio met Mr. Hadel at his home and they both drove to Academy in Mr. Hadel's F-250.

36. Ms. Maggio met with Colin Campbell (hereinafter "Mr. Campbell"), an authorized salesman at Academy.

37. Ms. Maggio stated to Mr. Campbell that she was there, on behalf of Antwerpen, to purchase the F-250 for Mr. Hadel. She specifically stated to Mr. Campbell that she was Jack

Antwerpen's personal assistant and was authorized to solidify this purchase on behalf of Antwerpen and that Antwerpen would be furnishing a rebate to Mr. Hadel.

38. Ms. Maggio picked up her phone at the dealership and represented that she was speaking with Jack Antwerpen and that he was approving the deal with her on the phone.

39. Mr. Campbell did not ask to speak with Jack Antwerpen personally to confirm that he was on the phone or that he approved the deal.

40. Ms. Maggio described in intricate detail that Mr. Hadel was trading in his old F-250, providing a nominal down payment, and would receive a rebate from Antwerpen.

41. Ms. Maggio made it clear to Mr. Campbell that Mr. Hadel could not afford this F-250 without the rebate.

42. Mr. Campbell and Ms. Maggio discussed the "house deal" for approximately 20 minutes.

43. Mr. Hadel is an average unsophisticated customer without specialized knowledge as to the procedures at car dealerships.

44. Ms. Maggio and Mr. Campbell knew or should have known that Mr. Hadel was an unsophisticated customer.

45. Mr. Campbell either acted with extreme disregard for Mr. Hadel's ability to purchase the F-250 free from fraud or coercion, or acted with malice where he knew the "house deal" was fraudulent and went through with the sale anyway so that he could receive the hefty commission from the sale.

46. Mr. Campbell told Mr. Hadel that Academy would run a credit check before the purchase.

47. Mr. Hadel was brought to the office of Academy's employee charged with handling customer finances including credit checks.

48. The employee asked Mr. Hadel for his personal information so that he could check Mr. Hadel's credit to ensure he was qualified for the loan.

49. Mr. Hadel provided the information.

50. After a short time, Mr. Hadel was told that Academy ran his credit, and he was approved for the loan.

51. Mr. Campbell then gave Mr. Hadel two documents to sign: (1) the "State of Maryland Vehicle Sales Contract," and (2) the "Retail Installment Contract – Simple Finance Charge with Arbitration Provision."

52. Mr. Hadel signed both documents with a live wet ink signature that day at Academy, on September 11, 2021.

53. Mr. Hadel was given yellow copies of all the documents that he signed that day, and placed all of those documents together in a folder that he preserved in his personal records.

54. Mr. Hadel was told that day, they ran his credit, they submitted a loan application to a bank, and he was approved for a loan.

55. That same day, Mr. Hadel paid $2,900.00 as a down payment.

THE FORGERIES

56. Unbeknownst to Mr. Hadel at the time, Academy did not check Mr. Hadel's credit on September 11, 2021, as confirmed by Mr. Hadel's credit report.

57. According to Mr. Hadel's credit report, Academy checked Mr. Hadel's credit three days later on September 14, 2021.

58. If Mr. Hadel knew that Academy did not check his credit on September 11, 2021, he would not have purchased the F-250 that day.

59. Further, Academy did not apply for Mr. Hadel's loan on September 11, 2021, as they represented to him.

60. Unbeknownst to Mr. Hadel at the time, Academy applied for a loan on Mr. Hadel's behalf without Mr. Hadel's knowledge or consent on September 14, 2021, three days after Mr. Hadel purchased the F-250.

61. As part of the September 14, 2021, loan application, Academy submitted to the bank that furnished the loan three documents: (1) the "Retail Installment Sales Contract – Simple Financial Charge with Arbitration Provision," (2) the "Credit Application," and (3) the "Optional Consent Form."

62. Each of these documents were signed with Mr. Hadel's name in a signature that does not at all resemble Mr. Hadel's signature.

63. Mr. Hadel did not sign these documents.

64. These documents were forged.

65. These documents are clearly different from the documents that he did sign three days earlier on September 11, 2021.

66. Academy did not submit to the bank the "State of Maryland Vehicle Sales Contract" that Mr. Hadel signed on September 11, 2021.

67. Mr. Hadel was never presented with and never signed the "Credit Application" or an "Optional Consent Form."

68. These documents with his forged signature are dated September 14, 2021.

69. The "Credit Application" and "Optional Consent Form" were created at 3:26 pm on September 14, 2021.

70. According to Mr. Hadels credit report, his credit was checked once at 2:35 pm, an hour before the "Credit Application" and "Optional Consent Form" were created, and a second time at 3:50 pm, 24 minutes after the fraudulent documents were created.

71. The "Retail Installment Sales Contract – Simple Financial Charge" without "Arbitration Provision" was timestamped signed at 9:39pm on September 14, 2021.

72. On September 11, 2021, Mr. Hadel signed a "Retail Installment Sales Contract – Simple Financial Charge," that included an "Arbitration Provision."

73. The forged September 14, 2021 "Retail Installment Sales Contract – Simple Financial Charge," does not include an "Arbitration Provision."

ANTWERPEN'S ASSURANCES AND FAILURE TO HONOR THE "HOUSE DEAL"

74. Fifth Third Bank, the bank that furnished the loan, contacted Mr. Hadel in October of 2021 notifying him his first loan payment was due on October 29, 2021.

75. When Mr. Hadel received the first invoice, he did not pay it until November because he believed that Ms. Maggio and Antwerpen would be paying it.

76. In November of 2021, Mr. Hadel confronted Ms. Maggio about when he was going to be reimbursed for his F-250 purchase.

77. Ms. Maggio assured Mr. Hadel he would be reimbursed soon, and that any payments he made on the F-250 loan would be reimbursed due to the unintended inconvenience.

78. Mr. Hadel made improvements to the F-250, including new wheels, tinted windows, application of his company's logo, installation of a toolbox in the bed of the truck, new floor mats. All these improvements were made within the first 3 months of Mr. Hadel purchasing

the F-250. Mr. Hadel never would have made these improvements if he knew that the "house deal" was fraudulent.

79. Ms. Maggio was aware of the improvements Mr. Hadel was making on the F-250 and encouraged him to do so.

80. Mr. Hadel continued to make payments every month on the loan.

81. Every month he asked Ms. Maggio why Antwerpen had not provided him with the rebate they promised.

82. Ms. Maggio gave numerous excuses, including COVID.

83. In March of 2022, six months after Mr. Hadel had purchased the F-250, Mr. Hadel demanded Ms. Maggio prove that the "house deal" would be honored.

84. Within a day of Mr. Hadel giving Ms. Maggio his demand, Mr. Hadel received an email from Ms. Maggio and Jack Antwerpen acknowledging the F-250 repayment and Ms. Maggio's employment.

85. Starting in March of 2022 throughout July of 2022, Mr. Hadel received multiple emails from both Ms. Maggio and Jack Antwerpen. Those emails stated that Mr. Hadel was going to be reimbursed for the purchase, apologized for the inconvenience, and gave receipts for reimbursement payments that were being sent to Mr. Hadel on behalf of Antwerpen.

86. Mr. Hadel never received those payments.

87. Mr. Hadel believed that he was in communication with the owner of the dealership.

88. During the time of the email exchange Jack Antwerpen stepped down from the dealership and Michael Antwerpen took over the communications with Mr. Hadel on behalf of Antwerpen.

89. Within the email communications, Michael Antwerpen offered to give Mr. Hadel another "house deal" for a Ford F-150 pick-up truck (hereinafter "F-150") due to the inconveniences of the lack of reimbursement on the F-250.

90. After months of emailing back and forth with Jack and Michael Antwerpen with no payments being received by Mr. Hadel, Mr. Hadel determined that he needed to either go to the dealership or call Antwerpen to investigate why the reimbursement was being delayed.

91. Mr. Hadel told Ms. Maggio that he was going to call Antwerpen or go to the dealership in person to discuss the "house deal."

92. In response, Ms. Maggio threatened Mr. Hadel that if he investigated the "house deal" Ms. Maggio would ruin Mr. Hadel's personal and professional life.

93. Due to the nature of their personal relationship, which had at that point become adversarial, these threats were credible, and Mr. Hadel felt that he had no choice but to continue making the payments and hope that Antwerpen would honor the deal.

94. Shortly thereafter, on July 16, 2022, Ms. Maggio sent Mr. Hadel a signed document from Antwerpen that was dated and signed by Michael Antwerpen stating Mr. Hadel's "house deal" would be honored.

95. This document also referenced a "house deal" on the F-150 that Michael Antwerpen offered Mr. Hadel in a prior email.

96. After July 16, 2022, Mr. Hadel stopped receiving emails from Michael Antwerpen.

97. From July 2022 to December 2022, Mr. Hadel attempted to make payments on the F-250 loan, but the payments were too high for him to afford.

98. During that time, he incurred late fees and additional interest on the loan.

99. In January 2023, Mr. Hadel could no longer afford the F-250 payments and could not wait any longer for the reimbursement.

100. At that time, Mr. Hadel traded in the F-250 for a far less expensive F-150 that he originally intended to purchase before Ms. Maggio and Antwerpen offered him the "house deal."

CAUSES OF ACTION

COUNT I
Maryland Common Law Tort
Fraudulent Misrepresentation
Defendant Ms. Maggio

101. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

102. Ms. Maggio made the false representation to induce Mr. Hadel to purchase the F-250.

103. Ms. Maggio knew that her representations were false.

104. Ms. Maggio made these fraudulent representations for the sole purpose of defrauding Mr. Hadel.

105. Mr. Hadel reasonably relied on Ms. Maggio's false representation.

106. Mr. Hadel suffered significant damages as a result of Ms. Maggio's misrepresentation.

COUNT II
Maryland Common Law Tort
Fraud
Defendant Ms. Maggio

107. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

108. Ms. Maggio made the false representation to induce Mr. Hadel to purchase the F-250.

109. Ms. Maggio knew that her representations were false.

110. Ms. Maggio made these fraudulent representations for the sole purpose of defrauding Mr. Hadel.

111. Mr. Hadel reasonably relied on Ms. Maggio's false representation.

112. Mr. Hadel suffered significant damages as a result of Ms. Maggio's misrepresentation.

COUNT III
Maryland Common Law Tort
Gross Negligence
Defendant Academy

113. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

114. Academy had a duty to Mr. Hadel to protect him from deceptive practices. Accordingly, Academy should have recognized that Ms. Maggio was not telling the truth about the "house deal" and informed Mr. Hadel of the same.

115. Academy breached their duty by facilitating the sale knowing that Mr. Hadel was only purchasing the truck because of his reliance on Ms. Maggio's representations that Academy knew or should have known were false.

116. Mr. Hadel suffered damages relating to Academy's gross negligence by being held to a loan that he should have never been allowed to take out.

117. But for Academy's gross negligence, Mr. Hadel would have never purchased the F-250 and would not have incurred significant monetary and emotional damage.

118. Mr. Hadel suffered actual monetary damages of excess of $35,000.00. Mr. Hadel also suffered emotional damages of pain and suffering stemming from this event.

119. Academy acted with malice or with reckless disregard for Mr. Hadel.

COUNT IV
Maryland Common Law Tort
Negligence
Defendant Academy

120. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

121. Academy had a duty to Mr. Hadel to protect him from deceptive practices. Accordingly, Academy should have recognized that Ms. Maggio was not telling the truth about the "house deal" and informed Mr. Hadel of the same.

122. Academy breached their duty by facilitating the sale knowing that Mr. Hadel was only purchasing the truck because of his reliance on Ms. Maggio's representations that Academy knew or should have known were false.

123. Mr. Hadel suffered damages relating to Academy's gross negligence by being held to a loan that he should have never been allowed to take out.

124. But for Academy's gross negligence, Mr. Hadel would have never purchased the F-250 and would not have incurred significant monetary and emotional damage.

125. Mr. Hadel suffered actual monetary damages of excess of $35,000.00. Mr. Hadel also suffered emotional damages of pain and suffering stemming from this event.

COUNT V
Maryland Common Law Tort
Negligent Supervision/Retention/Hiring
Defendant Academy

126. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

127. Academy owes Mr. Hadel a duty of care to select and retain employees who were competent and fit to perform the duties of a salesperson and to refrain from retaining individuals who were unfit to person such duties.

128. As a salesperson employer, Academy must hire employees that are able and fit to work at a car dealership.

129. Academy has a duty to use reasonable care to hire and retain competent employees and to provide a safe and trustworthy place for its customers.

130. Mr. Campbell was hired and retained by Academy as a salesperson. Academy hired but did not train Mr. Campbell to be, at minimum, a satisfactory salesperson. This can be seen by Mr. Campbell hearing about Ms. Maggio's "house deal" in detail and still allowing Mr. Hadel to purchase the F-250.

131. Any satisfactory salesperson, in Mr. Campbells shoes, would have heard Ms. Maggio describing the "house deal" and knew that the "house deal" was fraudulent.

COUNT VI
Maryland Consumer Protection Act § 13-301, et seq.
Defendant Academy

132. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

133. If a merchant makes a "knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

134. Academy concealed or omitted the material fact that Ms. Maggio's "house deal" was fraudulent by not validating the "house deal" with Antwerpen or warning Mr. Hadel the "house deal" could be fraudulent. Academy concealed or omitted this material fact so that they could make a sale in excess of $70,000.00.

135. If a merchant makes a "false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers" or a "false or misleading representation of fact which concerns … the reason for or the existence or amount of a price reduction" or "misrepresenting of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

136. Academy represented to Mr. Hadel that it ran his credit, and that Mr. Hadel was approved for a loan that Academy had applied for on his behalf. Mr. Hadel relied on that representation when he purchased the truck. These representations were materially false. Academy did not run his credit or apply for a loan or obtain approval for a loan on September 11, 2021.

COUNT VIII
Maryland Common Law Tort
Fraud
Defendant Academy

137. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

138. Academy falsely represented to Mr. Hadel that the Sale Contract signed September 11, 2021, was going to be sent to Fifth Third Bank to furnish his loan.

139. Academy acted with reckless indifference as to the truth when they submitted the "Retail Installment Sales Contract – Simple Financial Charge" without "Arbitration Provision" to Fifth third Bank with the forged signature.

140. Academy's misrepresentation was done with the sole purpose of defrauding Mr. Hadel.

141. Mr. Hadel relied on Academy's representation that they would be sending the "Retail Installment Sales Contract – Simple Financial Charge" with "Arbitration Provision" signed September 11, 2021, to Fifth Third Bank. This can be seen by Mr. Hadel allowing Academy to send the "Retail Installment Sales Contract – Simple Financial Charge" without "Arbitration Provision" signed September 11, 2021, to Fifth Third Bank.

142. Mr. Hadel suffered compensable injury as a result of Academy's fraud. Mr. Hadel was held to a loan that he should have never been held to, which caused him to incur over $30,000.00 in direct damages.

COUNT IX
Maryland Common Law Tort
Forgery
Defendant Academy

143. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

144. Academy forged Mr. Hadel's signature on documents that were then sent to Fifth Third Bank as part of a loan application on Mr. Hadel's behalf.

145. These documents and Mr. Hadel's forged signatures have been shown to be false.

146. The sole intention of Academy in drafting these documents was to defraud Mr. Hadel.

COUNT X
Maryland Common Law Tort
Breach of Contract
Defendant Antwerpen

147. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

148. Mr. Hadel entered into a contract with Antwerpen whereby Mr. Hadel agreed to purchase an F-250 from Academy and in exchange Antwerpen agreed to provide a rebate for the F-250.

149. Mr. Hadel received a document signed by Michael Antwerpen the owner of Antwerpen Auto Group memorializing the agreement.

150. Mr. Hadel understood the contract to be valid and binding.

151. Antwerpen materially breached the contract by not honoring the agreement.

COUNT XI
Maryland Common Law Tort
Negligent Hiring/Supervision/Retention
Defendant Antwerpen

152. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

153. Antwerpen owes its costumers a duty of care to select and retain employees who are competent and fit to perform the duties of a salesperson and to refrain from retaining individuals who are unfit to person such duties.

154. As a salesperson employer, Antwerpen must hire employees that are able and fit to work at a car dealership. Antwerpen has a duty to use reasonable care to hire and retain competent employees and to provide a safe and trustworthy place for its customers.

155. Antwerpen owes a duty to its customers to hire, train, and retain salespeople that are fit and able to work as salespeople.

156. Antwerpen hired, trained, and retained Ms. Maggio as a salesperson.

157. Antwerpen had authorized Ms. Maggio to furnish sales on behalf of Antwerpen.

158. Ms. Maggio should not have been retained by Antwerpen as a salesperson, with authorization to furnish sales on behalf of Antwerpen.

159. Ms. Maggio was not fit and able to be a salesperson at Antwerpen due to her defrauding Mr. Hadel on behalf of Antwerpen.

COUNT XII
Maryland Consumer Protection Act § 13-301 et seq.
Defendant Antwerpen

160. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

161. If a merchant makes a "false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers" or a "false or misleading representation of fact which concerns … The reason for or the existence or amount of a price reduction" or "misrepresenting of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

162. Antwerpen, through Ms. Maggio, made misleading oral and written representations with the effect of deceiving Mr. Hadel. It was represented to Mr. Hadel he would be receiving a "house deal" on the F-250 to which he reasonably relied to his detriment.

163. Antwerpen made misleading representations, through Ms. Maggio, that Mr. Hadel would be receiving a "house deal", which contained a price reduction on an F-150.

164. Antwerpen had made material misrepresentations to Mr. Hadel regarding the price of the F-250 and F-150 in his "house deals", to which Mr. Hadel reasonably relied.

PRAYER FOR RELIEF

WHEREFORE**,** Plaintiff BLAKE HADEL prays that judgment be entered in his favor and against; Defendant MEGHAN MAGGIO, for compensable damages, plus interest, punitive damages, expert witness fees, Defendants ACADEMY FORD SALES INC., and ANTWERPEN AUTO GROUP for compensable damages, plus interest, statutory damages, punitive damages, attorneys' fees, expert witness fees and his costs of suit in an amount that exceeds $75,000, and such other relief as this Court deems just and equitable.

DEAMND FOR JURY TRIAL

Plaintiff BLAKE HADEL demands a jury trial pursuant to Maryland Rule 2-235.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com
Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 4/15/2024 12:54 PM; Submission: 4/15/2024 12:54 PM
Envelope: 16095884

BLAKE HADEL, 4050 Beach Road, Dundalk, MD 21222 *Plaintiff*,	)	IN THE CIRCUIT COURT
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD SALES, INC. 13401 Baltimore Ave. Laural, MD 20707 and ANTWERPEN AUTO GROUP 12420 Auto Drive Suit 201 Clarksville MD, 21029 and MEGHAN MAGGIO 7295 Jenna Road. Marriotsville, MD 21104 *Defendants*,	)	CASE NO: C-13-CV-24-000309

LINE OF APPEARANCE

Please enter the appearance of Sarah Spitalnick Esq. and Jonathan Gross Esq., as counsel for the Plaintiff in the above captioned matter.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com

Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.

Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 5/16/2024 10:39 AM; Submission: 5/16/2024 10:39 AM
Envelope: 16469885

BLAKE HADEL, 4050 Beach Road, Dundalk, MD 21222 *Plaintiff*,	)	IN THE CIRCUIT COURT FOR HOWARD
v.	)	COUNTY
ACADEMY FORD SALES, INC. 13401 Baltimore Ave. Laural, MD 20707 and ANTWERPEN AUTO GROUP 12420 Auto Drive Suit 201 Clarksville MD, 21029 and MEGHAN MAGGIO 7295 Jenna Road. Marriotsville, MD 21104 *Defendants*,	)	CASE NO: C-13-CV-24-000309

MOTION TO REISSUE SUMMONS

Please reissue summons for Defendant Antwerpen Hyundai, Inc. with resident agent listed.

1. Antwerpen Hyundai, Inc., s/o Stanford D. Hess, Resident Agent at 6440 Baltimore National Pike. Cantonsville, MD 21228.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore, MD 21209
MD Bar ID: 1912170138
jonathansgross@gmail.com

Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.

Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 5/17/2024 2:14 PM; Submission: 5/17/2024 2:14 PM
Envelope: 16495879

BLAKE HADEL, 4050 Beach Road, Dundalk, MD 21222 *Plaintiff*,	)	IN THE CIRCUIT COURT FOR HOWARD
v.	)	
ACADEMY FORD LLC 13401 Baltimore Ave. Laural, MD 20707 and ANTWERPEN HYUNDAI 12420 Auto Drive Suit 201 Clarksville MD, 21029 and MEGHAN MAGGIO 7295 Jenna Road. Marriotsville, MD 21104 *Defendants*,	)	COUNTY CASE NO: C- C-13-CV-24-000309

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq., hereby brings forth this Notice of Voluntary Dismissal of Defendant MEGHAN MAGGIO based on Md. Rule 2-506 and states in support as follows:

1. On or about April 12, 2024, Plaintiff, BLAKE HADEL, (hereinafter "Plaintiff" or "Mr. Hadel") filed his Complaint and Demand for Jury Trial against Defendants ACADEMY FORD LLC, ANTWERPEN HYUNDAI and MEGHAN MAGGIO (hereinafter "Ms. Maggio")

2. Ms. Maggio has yet to file any responsive pleadings in this case.

WHEREFORE, the Plaintiff respectfully asks the Court to dismiss this action against Defendant Meghan Maggio pursuant to MD Rule 2-506 and for all other proper relief.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com

Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 6/25/2024 12:16 PM; Submission: 6/25/2024 12:16 PM
Envelope: 16970531

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants,	)	

MOTION FOR DEFAULT JUDGMENT

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq., hereby brings forth this Motion for Default Judgment against ACADEMY FORD LLC based on Md. Rule 2-613 and states in support as follows:

1. On or about April 12, 2024, Plaintiff, BLAKE HADEL, (hereinafter "Plaintiff") filed his Complaint and Demand for Jury Trial against Defendants ACADEMY FORD LLC (hereinafter "Academy"), ANTWERPEN HYUNDAI and MEGHAN MAGGIO.

2. On or about April 13, 2024, the Court issued summons for all three defendants.

3. On or about April 25, 2024, Plaintiff filed to reissue the summons for Academy, to update and correct the record with the corrected name and address for Academy.

4. On or about April 26, 2024, the Court reissued the proper summons for Academy, now containing the proper name and address.

5. On or about May 6, 2024, and May 13, 2024, Steven Silver (hereinafter "Mr. Silver"), Plaintiff's process server, attempted service on Academy to their resident agent, Michael Lynch. Mr. Silver called before attempting service and left his card at the location both times he attempted service.*See* Exhibit A and B.

6. After attempting service on May 13, 2024, Mr. Silver waited two days before serving the Complaint and Summons on the Maryland State Department of Assessment and Taxation (hereinafter "MSDAT") through Certified Mail. *See* Exhibit A and B.

7. MSDAT accepted service of the Complaint and Summons on behalf of Academy on May 22, 2024.*See* Exhibit A and B.

8. According to Md. Rule 2-321, "A party shall file an answer to an original complaint, counterclaim, cross-claim, or third-party claim within 30 days after being served"

9. Academy had until June 21, 2024, to respond to the Plaintiff's complaint.

10. As of June 25, 2024, Academy has failed to file any responsive pleadings regarding the above captioned matter.

11. According to Md. Rule 2-613, "If the time for pleading has expired and a defendant has failed to plead as provided by these rules, the court, on written request of the plaintiff, shall enter an order of default."

12. The time for pleadings regarding Academy was June 21, 2024, and Academy has failed to file any responsive pleadings.

WHEREFORE, the Plaintiff respectfully requests the Court to enter a default judgement against Defendant ACADEMY FORD LLC pursuant to MD Rule 2-613 and for all other proper relief.

Respectfully Submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207

Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com

Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 6/25/2024 12:16 PM; Submission: 6/25/2024 12:16 PM
Envelope: 16970531

EXHIBIT A

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants,	)	

AFFIDAVIT OF SARAH SPITALNICK ESQ.

1. I, Sarah Spitalnick Esq. declare and affirm under the penalties of perjury that the matters and facts set forth below are true to the best of my knowledge, information, and belief.

2. I filed the Plaintiff, Blake Hadel's (hereinafter "Plaintiff"), Complaint and Demand for Jury trial on April 12, 2024.

3. I filed a Motion to reissue Defendant, Academy Ford, LLC (hereinafter "Academy"), summons to reflect the proper and correct name and address.

4. I hired Steven Silver to serve Academy with the proper summons for Academy and the Complaint.

5. Steven Silver attempted service on Academy through their resident agent, Michael Lynch, on May 6, 2024, and May 13, 2024.

6. All Steven Silvers attempts to serve Academy failed due to Michael Lynch not being present to accept service.

7. On or about May 15, 2024, I instructed Steven Silver to serve Academy through the Maryland State Department of Assessment and Taxation (hereinafter "MSDAT") through certified mail.

8. On or about May 22, 2024, MSDAT accepted service on behalf of Academy through certified mail.

9. According to Md. Rule 2-321, a defendant has 30 days to file responsive pleadings to an original complaint.

10. 30 days from May 22, 2024, is June 21, 2024.

11. It is July 25, 2024, and I have yet to receive an answer or any responsive pleadings from Academy or their attorney.

Sarah Spitalnick

Sarah Spitalnick Esq.

Date: July 25, 2024

E-FILED; Howard Circuit Court
Docket: 7/2/2024 10:37 AM; Submission: 7/2/2024 10:37 AM
Envelope: 17062674

BLAKE HADEL, *Plaintiff*, v. ACADEMY FORD LLC, et al. *Defendants*	)))))))))	IN THE CIRCUIT COURT FOR HOWARD COUNTY CASE NO: C- C-13-CV-24-000309

MOTION TO WITHDRAWL PLAINTIFF'S DEFAULT JUDGEMENT MOTION/CONSENT TO EXTEND TIME TO RESPOND FOR ACADEMY FORD LLC

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq. hereby brings forth this Motion to Withdraw Default Judgement and Consent to Extent Time to Respond for Defendant ACADEMY FORD LLC based on Md. Rule 2-506 and states in support as follows:

1. On or about April 12, 2024, Plaintiff filed his Complaint and Demand for Jury Trial in the Circuit Court of Howard County.
2. Plaintiff claims to have served Defendant Academy Ford LLC on May 21, 2024, through MSDAT and Certified Mail.
3. On or about June 23, 2024, Plaintiff filed for a Default Judgement against Defendant Academy Ford LLC according to Md. Rule 2-613.
4. On or about June 27, 2024, Defendant Academy Ford LLC contacted Plaintiff's counsel, claiming *inter alia* insufficient service of process;
5. To resolve each party's positions regarding service of process and Plaintiff's pending Motion for Default, Plaintiff and Defendant Academy Ford LLC agreed that (i)

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

Plaintiff will withdraw his Motion for a Default Judgment; (ii) Defendant Academy Ford LLC will not contest service of process; and (iii) Defendant Academy Ford LLC will have until August 1, 2024 to answer or otherwise respond to Plaintiff's Complaint.

6. This consent motion is made in good faith and is not intended to create any undue delay. Consequently, Plaintiff and Defendant Academy Ford LLC now propose to amend the briefing schedule as follows:

Event	Current Deadline	Proposed New Deadline
Deadline for Defendant Academy Ford LLC to Answer or Otherwise Respond to Plaintiff's Complaint.	June 21, 2024	August 1, 2024

WHEREFORE, Plaintiff respectfully request that this Court GRANT Plaintiff's Motion to withdraw Default Judgement and Consent Motion for Extension of Time to Respond to August 1, 2024. A Proposed Order is attached for the Court's consideration.

Date: July 1, 2024

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnick@gmail.com

Counsel for Plaintiff

/s/ Jessica L. Farmer
Jessica L. Farmer, AIS No. 1312170274

Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
Telephone: (202) 469-5222
Facsimile: (202) 955-5564
Email: Jessica.Farmer@hklaw.com

Benjamin Wilson (special admission forthcoming)
Holland & Knight LLP
1650 Market Street, Suite 3300
Philadelphia, PA 19103
Benjamin.wilson@hklaw.com

Aaron Pease (special admission forthcoming)
Highbridge Law Firm PLLC
2001 L Street NW, Suite 500
Washington DC, 20036
aaron.pease@highbridgelaw.com

Counsel for Defendant Academy Ford

Rule 1-313 Certificate

Pursuant to Maryland Rule 1-313, the undersigned certifies that she is admitted to practice before the Court of Appeals of Maryland.

/s/ Jessica L. Farmer
Jessica L. Farmer

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, the foregoing was filed and electronically served via MDEC Odyssey electronic filing system and via email upon the following:

Jessica L. Farmer, AIS No. 1312170274
Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
Email: Jessica.Farmer@hklaw.com

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND
9250 Judicial Way, Ellicott City, Maryland, 21043

Main: 410-313-2111
Civil: 410-313-3844
Criminal: 410-313-3822
Juvenile: 410-313-3827
Land Records: 410-313-5850
Calendar Office: 410-313-4185
Family Law: 410-313-2225

To: SARAH SPITALNICK
23 WALKER AVENUE
SUITE 207
PIKESVILLE, MD 21208

Case Number: **C-13-CV-24-000309**
Other Reference Number(s):

BLAKE HADEL VS. ACADEMY FORD SALES INC., ET AL.

Date: 7/5/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Motion to Withdraw/Consent to Extension of Time to Respond.**

☐ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☒ Other: Motion to Withdrawl and Motion to Extend must be filed as separate pleadings within the case.

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 7/5/2024 with envelope 17062674.

Wayne A Robey

Wayne A. Robey
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

Date Judge

cc:

Sarah Spitalnick
Jonathan Stuart Gross
Nicholas Lloyd Ketterer
Steven Richard Freeman

E-FILED; Howard Circuit Court
Docket: 7/5/2024 4:52 PM; Submission: 7/5/2024 4:52 PM
Envelope: 17108990

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants	)	

07/26/2024 12:55:09 PM

Quincy L. Coleman

GRANTED

Quincy L. Coleman, Judge
07/26/2024

Entered: Clerk, Circuit Court for Howard County, MD
July 31, 2024

MOTION TO WITHDRAW DEFAULT JUDGEMENT

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq. hereby brings forth this Motion to Withdraw Default Judgement against Defendant ACADEMY FORD LLC states in support as follows:

1. On or about April 12, 2024, Plaintiff filed his Complaint and Demand for Jury Trial in the Circuit Court of Howard County.
2. Plaintiff served Defendant Academy Ford LLC on May 21, 2024, through MSDAT and Certified Mail.
3. On or about June 23, 2024, Plaintiff filed for a Default Judgement against Defendant Academy Ford LLC according to Md. Rule 2-613.
4. On or about June 27, 2024, Defendant Academy Ford LLC contacted Plaintiff's counsel, claiming *inter alia* insufficient service of process.
5. To resolve each party's positions regarding service of process and Plaintiff's pending Motion for Default, Plaintiff and Defendant Academy Ford LLC agreed that (i)

Plaintiff will withdraw his Motion for a Default Judgment; (ii) Defendant Academy Ford LLC will not contest service of process.

WHEREFORE, Plaintiff respectfully request that this Court GRANT Plaintiff's Motion to Withdraw.

Date: July 5, 2024

Respectfully submitted,

/s/ Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnick@gmail.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2024, the foregoing was filed and electronically served via MDEC Odyssey electronic filing system and via email upon the following:

Jessica L. Farmer, AIS No. 1312170274
Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
Email: Jessica.Farmer@hklaw.com

E-FILED; Howard Circuit Court
Docket: 7/5/2024 4:52 PM; Submission: 7/5/2024 4:52 PM
Envelope: 17108990

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

BLAKE HADEL, *Plaintiff*, v. ACADEMY FORD LLC, et al. *Defendants*	)))))))))	IN THE CIRCUIT COURT FOR HOWARD COUNTY CASE NO: C- C-13-CV-24-000309

CONSENT MOTION TO EXTEND TIME TO RESPOND FOR ACADEMY FORD LLC

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq. hereby brings forth this Motion to Withdraw Default Judgement and Consent to Extent Time to Respond for Defendant ACADEMY FORD LLC based on Md. Rule 2-506 and states in support as follows:

1. On or about April 12, 2024, Plaintiff filed his Complaint and Demand for Jury Trial in the Circuit Court of Howard County.
2. Plaintiff claims to have served Defendant Academy Ford LLC on May 21, 2024, through MSDAT and Certified Mail.
3. On or about June 23, 2024, Plaintiff filed for a Default Judgement against Defendant Academy Ford LLC according to Md. Rule 2-613.
4. On or about June 5, 2024, Plaintiff filed to withdraw his Default Judgment motion against Defendant Academy Ford LLC.
5. On or about June 27, 2024, Defendant Academy Ford LLC contacted Plaintiff's counsel, claiming *inter alia* insufficient service of process;
6. To resolve each party's positions regarding service of process and Plaintiff's pending Motion for Default, Plaintiff and Defendant Academy Ford LLC agreed that (i)

Plaintiff will withdraw his Motion for a Default Judgment; (ii) Defendant Academy Ford LLC will not contest service of process; and (iii) Defendant Academy Ford LLC will have until August 1, 2024 to answer or otherwise respond to Plaintiff's Complaint.

6. This consent motion is made in good faith and is not intended to create any undue delay. Consequently, Plaintiff and Defendant Academy Ford LLC now propose to amend the briefing schedule as follows:

Event	Current Deadline	Proposed New Deadline
Deadline for Defendant Academy Ford LLC to Answer or Otherwise Respond to Plaintiff's Complaint.	June 21, 2024	August 1, 2024

WHEREFORE, Plaintiff respectfully request that this Court GRANT Plaintiff's Consent Motion for Extension of Time to Respond to August 1, 2024. A Proposed Order is attached for the Court's consideration.

Date: July 5, 2024

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnick@gmail.com

Counsel for Plaintiff

/s/ Jessica L. Farmer
Jessica L. Farmer, AIS No. 1312170274

Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
Telephone: (202) 469-5222
Facsimile: (202) 955-5564
Email: Jessica.Farmer@hklaw.com

Benjamin Wilson (special admission forthcoming)
Holland & Knight LLP
1650 Market Street, Suite 3300
Philadelphia, PA 19103
Benjamin.wilson@hklaw.com

Aaron Pease (special admission forthcoming)
Highbridge Law Firm PLLC
2001 L Street NW, Suite 500
Washington DC, 20036
aaron.pease@highbridgelaw.com

Counsel for Defendant Academy Ford

Rule 1-313 Certificate

Pursuant to Maryland Rule 1-313, the undersigned certifies that she is admitted to practice before the Court of Appeals of Maryland.

/s/ Jessica L. Farmer
Jessica L. Farmer

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2024, the foregoing was filed and electronically served via MDEC Odyssey electronic filing system and via email upon the following:

Jessica L. Farmer, AIS No. 1312170274
Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006
Email: Jessica.Farmer@hklaw.com

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND
9250 Judicial Way, Ellicott City, Maryland, 21043

Main: 410-313-2111
Civil: 410-313-3844
Criminal: 410-313-3822
Juvenile: 410-313-3827
Land Records: 410-313-5850
Calendar Office: 410-313-4185
Family Law: 410-313-2225

To: SARAH SPITALNICK
23 WALKER AVENUE
SUITE 207
PIKESVILLE, MD 21208

Case Number: **C-13-CV-24-000309**
Other Reference Number(s):

BLAKE HADEL VS. ACADEMY FORD SALES INC., ET AL.

Date: 7/8/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Consent Motion to Extend Time to Respond 7/5/24.**

☐ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☒ **The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t) in the certificate of service section.**

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 7/8/2024 with envelope 17108990.

Wayne A Robey

Wayne A. Robey
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

Date Judge

cc: Blake Hadel
Academy Ford Sales Inc.
Antwerpen Auto Group

Sarah Spitalnick
Jonathan Stuart Gross
Nicholas Lloyd Ketterer
Steven Richard Freeman

E-FILED; Howard Circuit Court
Docket: 11/11/2024 10:15 PM; Submission: 11/11/2024 10:15 PM
Envelope: 18754146

BLAKE HADEL, 4050 Beach Road Dundalk, MD 21222 *Plaintiff*,	)	IN THE CIRCUIT COURT FOR HOWARD
v.	)	COUNTY
ACADEMY FORD LLC . 301 W. Preston St. Room 801. Baltimore, MD 21201 and ANTWERPEN HYUNDAI INC. 644 Baltimore National Pike Catonsville MD, 21228 *Defendants*,	)	CASE NO: C-13-CV-24-000309

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq., hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF ACTION

1. Plaintiff, Blake Hadel, (hereinafter "Plaintiff" or "Mr. Hadel") desired to purchase a new truck. Meghan Maggio (hereinafter "Ms. Maggio"), an employee of Defendant Antwerpen Hyundai Inc. (hereinafter "Antwerpen"), made several false statements to induce Mr. Hadel to purchase an expensive truck from Antwerpen by promising a "house deal" that would enable Mr. Hadel to purchase the truck at a significant discount.

2. The "house deal" involved, *inter alia*, a rebate whereby Mr. Hadel would take out a loan for the truck and Antwerpen would reimburse him for a substantial portion of the cost. But for these misrepresentations, Mr. Hadel would otherwise not have considered purchasing such an expensive truck.

3. Her employer Antwerpen knew or should have known that Ms. Maggio made these false statements, and by its actions and inactions it contributed to Mr. Hadel's reasonable reliance on Ms. Maggio's false statements.

4. Ms. Maggio further misrepresented that Defendant Academy Ford LLC (hereinafter "Academy") would facilitate the "house deal." Ms. Maggio personally brought Mr. Hadel to Academy to purchase the expensive truck. Ms. Maggio told the employees of Academy about the "house deal." Academy sold Mr. Hadel the truck, even though it knew or should have known that the "house deal" was a misrepresentation and that by selling the truck to Mr. Hadel, it would be furthering the victimization of Mr. Hadel.

5. Further, Academy forged Mr. Hadel's signature on several documents which they submitted to a bank which then authorized a loan in Mr. Hadel's name.

6. By the time Mr. Hadel realized that he had been lied to, he had already incurred substantial damages.

7. Mr. Hadel seeks an award from this court for compensatory damages, punitive damages, statutory damages, interest, attorney fees, and court costs.

PARTIES

8. Plaintiff, BLAKE HADEL, is a resident of the State of Maryland.

9. Defendant, ACADEMY FORD LLC., is a corporation incorporated under the laws of Maryland, with its principal place of business in Maryland.

10. Defendant, ANTWERPEN HYUNDAI INC., is a corporation incorporated under the laws of Maryland, with its principal place of business in Maryland.

JURISDICTION AND VENUE

11. Jurisdiction is proper pursuant to Md. Code Ann., Code; Jud. Proc. § 1-501 and §

6-102, because both Antwerpen Auto Group and Academy Ford Sales Inc.'s primary places of business are in Maryland.

12. Venue is proper pursuant to § 6-201 because Defendant Antwerpen Auto Group has its principal office in Howard County.

FACTS

MS. MAGGIOS INDUCEMENT OF MR. HADEL

13. Mr. Hadel met Ms. Maggio socially around June of 2020.

14. At that time, Ms. Maggio was an employee of Antwerpen.

15. Around June or July of 2021, Mr. Hadel mentioned to Ms. Maggio that he was going to trade in his 2011 F-150 truck that he owned at that time and purchase a newer used F-150 to replace it.

16. Ms. Maggio told Mr. Hadel not to buy an F-150 because she could get him a "house deal" with her employer Antwerpen on a brand new 2021 Ford F-250 Super Duty pick-up truck (hereinafter "F-250"), which is far better than any truck that Mr. Hadel was considering.

17. Ms. Maggio told Mr. Hadel that she was an authorized agent and authorized by Jack and Michael Antwerpen to give Mr. Hadel this "house deal."

18. Jack and Michael Antwerpen were the co-owners of Antwerpen at that time.

19. Ms. Maggio stated that Antwerpen had a particular F-250 available at its location in Clarksville, MD for this "house deal."

20. Ms. Maggio stated that the "house deal" required that Mr. Hadel trade in his old F-150 and pay a nominal down payment.

21. Additionally, Antwerpen would assist Mr. Hadel in applying for and obtaining a loan to cover the cost of the vehicle, and Antwerpen would furnish a substantial rebate on the purchase of the vehicle that Mr. Hadel could then use towards paying off the loan.

22. These statements were false. There was no F-250 available for this "house deal," and Antwerpen had no intention of furnishing a rebate of any kind.

23. Mr. Hadel reasonably relied on Ms. Maggio's representations because he knew Ms. Maggio was a car salesperson for Antwerpen.

24. Ms. Maggio told Mr. Hadel that she was authorized to offer deals and sell cars to customers.

25. Ms. Maggio's employment at Antwerpen was documented through multiple postings on Facebook. Ms. Maggio was proud of her employment at Antwerpen and would constantly tell Mr. Hadel about her employment there. Mr. Hadel had no reason to doubt Ms. Maggio's employment at Antwerpen or the deal she was offering him due to her confident demeanor and ample proof she was authorized to offer Mr. Hadel a deal on the F-250.

26. Further, Ms. Maggio represented that the deal was being offered because COVID had disrupted the car industry.

27. During that time, around 2021, many industries, including the car industry, were suffering, and it was not uncommon to see unusual offers from retailers.

28. Ms. Maggio knew that but for her representations Mr. Hadel would not have bought the F-250.

29. Ms. Maggio knew that Mr. Hadel could not afford the F-250 at its retail price without the rebate that she offered.

30. Ms. Maggio knew that Mr. Hadel had never purchased a new truck or taken out a vehicle sales loan. She knew that he only bought used cars from private sellers and had never before been to a car dealership to purchase a car.

THE PURCHASE OF THE F-250

31. Around the beginning of September, Mr. Hadel told Ms. Maggio that he was interested in accepting the "house deal" and asked when he could go to Antwerpen to purchase the F-250.

32. On or about September 9, 2021, Ms. Maggio informed Mr. Hadel that she would facilitate the "house deal" but there was a minor modification. Specifically, she told Mr. Hadel that the vehicle that had been reserved for the "house deal" had been damaged by an employee at Antwerpen who put the wrong type of gas into the gas tank.

33. Ms. Maggio said that she had arranged on behalf of Antwerpen to take Mr. Hadel to another car dealership, Academy, and that Mr. Hadel would buy the car from Academy and that Antwerpen would furnish the rebate to Mr. Hadel.

34. On or about September 11, 2021, Ms. Maggio met Mr. Hadel at his home and they both drove to Academy in Mr. Hadel's F-150.

35. Ms. Maggio met with Colin Campbell (hereinafter "Mr. Campbell"), an authorized salesman at Academy.

36. Ms. Maggio stated to Mr. Campbell that she was there, on behalf of Antwerpen, to purchase the F-250 for Mr. Hadel. She specifically stated to Mr. Campbell that she was Jack Antwerpen's personal assistant and was authorized to solidify this purchase on behalf of Antwerpen and that Antwerpen would be furnishing a rebate to Mr. Hadel.

37. Ms. Maggio picked up her phone at the dealership and represented that she was speaking with Jack Antwerpen and that he was approving the deal with her on the phone.

38. Mr. Campbell did not ask to speak with Jack Antwerpen personally to confirm that he was on the phone or that he approved the deal.

39. Ms. Maggio described in intricate detail that Mr. Hadel was trading in his old F-150, providing a nominal down payment, and would receive a rebate from Antwerpen.

40. Ms. Maggio made it clear to Mr. Campbell that Mr. Hadel could not afford this F-250 without the rebate.

41. Mr. Campbell and Ms. Maggio discussed the "house deal" for approximately 20 minutes.

42. Mr. Hadel is an average unsophisticated customer without specialized knowledge as to the procedures at car dealerships.

43. Ms. Maggio and Mr. Campbell knew or should have known that Mr. Hadel was an unsophisticated customer.

44. Mr. Campbell either acted with extreme disregard for Mr. Hadel's ability to purchase the F-250 free from fraud or coercion, or acted with malice where he knew the "house deal" was fraudulent and went through with the sale anyway so that he could receive the hefty commission from the sale.

45. Mr. Campbell told Mr. Hadel that Academy would run a credit check before the purchase.

46. Mr. Hadel was brought to the office of Academy's employee charged with handling customer finances including credit checks.

47. The employee asked Mr. Hadel for his personal information so that he could check Mr. Hadel's credit to ensure he was qualified for the loan.

48. Mr. Hadel provided the information.

49. Mr. Hadel was not provided with any "Optional Consent Form", nor did he sign any "Optional Consent Form" at that time.

50. After a short time, Mr. Hadel was told that Academy ran his credit, and he was approved for the loan.

51. In fact, this was a lie. Mr. Hadel's credit was not checked at that time, this can be easily verified. Mr. Hadel's credit was only checked three days later on September 14, 2021.

52. Mr. Campbell then gave Mr. Hadel two documents to sign: (1) the "State of Maryland Vehicle Sales Contract," and (2) the "Retail Installment Contract – Simple Finance Charge with Arbitration Provision."

53. Mr. Hadel signed both documents with a live wet ink signature that day at Academy, on September 11, 2021.

54. At no time on September 11, 2021, was Mr. Hadel given a "Credit Application" form or "Optional Consent Form" to check his credit.

55. Mr. Hadel was given yellow copies of all the documents that he signed on September 11, 2021, and placed all of those documents together in a folder that he preserved in his personal records.

56. Mr. Hadel was told that day, they ran his credit, they submitted a loan application to a bank, and he was approved for a loan.

57. That same day, Mr. Hadel paid $2,900.00 as a down payment.

THE FORGERIES

58. Unbeknownst to Mr. Hadel at the time, Academy did not check Mr. Hadel's credit on September 11, 2021, as confirmed by Mr. Hadel's credit report.

59. According to Mr. Hadel's credit report, Academy checked Mr. Hadel's credit three days later on September 14, 2021.

60. If Mr. Hadel knew that Academy did not check his credit on September 11, 2021, he would not have purchased the F-250 that day.

61. Further, Academy did not apply for Mr. Hadel's loan on September 11, 2021, as they represented to him.

62. Unbeknownst to Mr. Hadel at the time, Academy applied for a loan on Mr. Hadel's behalf without Mr. Hadel's knowledge or consent on September 14, 2021, three days after Mr. Hadel left the lot with the F-250.

63. As part of the September 14, 2021 loan application, Academy submitted to the bank that furnished the loan three documents: (1) the "Retail Installment Sales Contract – Simple Financial Charge," (2) the "Credit Application," and (3) the "Optional Consent Form."

64. Each of these documents was signed with Mr. Hadel's name in a signature that does not at all resemble Mr. Hadel's signature.

65. None of the documents Academy submitted to the bank to furnish the loan contained an arbitration provision.

66. Mr. Hadel did not sign these documents.

67. These documents are clearly different from the documents that he did sign three days earlier on September 11, 2021.

68. On September 11, 2021, Mr. Hadel signed a "State of Maryland Vehicle Sales Contract". This document does have arbitration agreement. As set forth below, Mr. Hadel does not dispute this contract.

69. Academy did not submit to the bank the "State of Maryland Vehicle Sales Contract" that Mr. Hadel signed on September 11, 2021.

70. Academy contacted Mr. Hadel on or about September 14, 2021, and asked him to return to Academy to sign additional documents. Mr. Hadel drove to Academy and arrived sometime around 4:00pm.

71. Immediately upon arrival, Academy asked Mr. Hadel to sign a "Credit Application" form and "Optional Consent Form" giving written consent for Academy to check his credit.

72. Mr. Hadel consented to signing the "Credit Application" form.

73. Mr. Hadel decline to sign the "Optional Consent Form".

74. Mr. Hadel never signed the "Option Consent Form".

75. That was the first time that Mr. Hadel gave consent to Academy to check his credit.

76. Any credit checks by Academy prior to that signature were done without Mr. Hadel's written consent.

77. There are two documents that are "Credit Application" forms with Mr. Hadel's alleged signature. One of them is the "Credit Application" form that Mr. Hadel signed in person with a wet ink signature on September 14, 2021, at some time after 4:00pm. That document had a bate stamp showing it was printed at 3:56pm on September 14, 2021. The second "Credit Application" form bares an electronic signature that reads Blake Hadel. There is no record showing that Mr. Hadel electronically signed that document. That document has a bate stamp showing it was created at 3:26pm on September 14, 2021. At that time Mr. Hadel was driving to Academy

and could not have possible signed that document electronically. Mr. Hadel did not sign that document at any time. That document is a forgery. That document does not contain an arbitration clause. There is no email confirmation or any electronic record of Mr. Hadel signing any of those documents on September 14, 2021.

78. While investigating this lawsuit, Mr. Hadel requested that Fifth Third Bank provide all documents that were submitted by Academy. Fifth Third Bank complied by providing Mr. Hadel's file that only contained three documents. The file included the "Credit Application" form with the electrical signature. An "Option Consent Form" with an electronica signature and a "Retail Sales Installment Contract Simple Financial Charge" with an electronic signature that does not include an arbitration provision. The file did not include the "Credit Application" form with Mr. Hadel's live wet ink signature.

79. According to Mr. Hadels credit report, his credit was checked once at 2:35 pm, an hour before the "Credit Application" and "Optional Consent Form" were created, and a second time at 3:50 pm, 24 minutes after the fraudulent documents were created.

80. Both of these credit checks were done before 4:00pm on September 14, 2021. When Mr. Hadel arrived at Academy he untimely signed in wet ink a "Credit Application". Accordingly, both of these credit checks were done without his written consent.

81. Even if the electronic signature "Credit Application" is not a forgery -which it is- the credit check at 2:35pm on September 14, 2021, was done before that form was even created.

82. This shows definitively that Academy checked Mr. Hadel's credit, at least once, if not twice without his written consent.

83. The "Retail Installment Sales Contract – Simple Financial Charge" without "Arbitration Provision" was bate stamped as being signed at 9:39pm on September 14, 2021.

84. Academy closes at 8:00pm.

85. Mr. Hadel did not sign any documents for Academy electronically or otherwise after 6:00pm. There is no email verification of this signature. This document was clearly forged and submitted to Fifth Third Bank by Academy.

86. On September 11, 2021, Mr. Hadel signed a "Retail Installment Sales Contract – Simple Financial Charge," that included an "Arbitration Provision."

87. The forged September 14, 2021 "Retail Installment Sales Contract – Simple Financial Charge," does not include an "Arbitration Provision."

CONTRACTS IN DISPUTE

88. The only contracts in dispute presently are the contracts that contain the forged electronic signatures.

89. Mr. Hadel is not and has no intention to dispute the "Retail Installment Sales Contract-Simple Financial Charge" that included an "Arbitration Provision" that was signed with a live signature on September 11, 2021.

90. "Retail Installment Sales Contract-Simple Financial Charge" that included an "Arbitration Provision" was properly executed and completed as of January 23, 2023, when Mr. Hadel traded in the F-250.

91. Mr. Hadel is not asserting the "Retail Installment Sales Contract-Simple Financial Charge" that included an "Arbitration Provision" should be voided or unenforceable, he is only disputing the "Retail Installment Sales Contract-Simple Financial Charge" that did not included an "Arbitration Provision".

ANTWERPEN'S ASSURANCES AND FAILURE TO HONOR THE "HOUSE DEAL"

92. Fifth Third Bank, the bank that furnished the loan, contacted Mr. Hadel in October of 2021 notifying him his first loan payment was due on October 29, 2021.

93. When Mr. Hadel received the first invoice, he did not pay it until November because he believed that Ms. Maggio and Antwerpen would be paying it.

94. In November of 2021, Mr. Hadel confronted Ms. Maggio about when he was going to be reimbursed for his F-250 purchase.

95. Ms. Maggio assured Mr. Hadel he would be reimbursed soon, and that any payments he made on the F-250 loan would be reimbursed due to the unintended inconvenience.

96. Mr. Hadel made improvements to the F-250, including new wheels, tinted windows, application of his company's logo, installation of a toolbox in the bed of the truck, new floor mats. All these improvements were made within the first 3 months of Mr. Hadel purchasing the F-250. Mr. Hadel never would have made these improvements if he knew that the "house deal" was fraudulent.

97. Ms. Maggio was aware of the improvements Mr. Hadel was making on the F-250 and encouraged him to do so.

98. Mr. Hadel continued to make payments every month on the loan.

99. Every month he asked Ms. Maggio why Antwerpen had not provided him with the rebate they promised.

100. Ms. Maggio gave numerous excuses, including COVID.

101. In March of 2022, six months after Mr. Hadel had purchased the F-250, Mr. Hadel demanded Ms. Maggio prove that the "house deal" would be honored.

102. Within a day of Mr. Hadel giving Ms. Maggio his demand, Mr. Hadel received an email from Ms. Maggio and Jack Antwerpen acknowledging the F-250 repayment and Ms. Maggio's employment.

103. Starting in March of 2022 throughout July of 2022, Mr. Hadel received multiple emails from both Ms. Maggio and Jack Antwerpen. Those emails stated that Mr. Hadel was going to be reimbursed for the purchase, apologized for the inconvenience, and gave receipts for reimbursement payments that were being sent to Mr. Hadel on behalf of Antwerpen.

104. Mr. Hadel never received those payments.

105. Mr. Hadel believed that he was in communication with the owner of the dealership.

106. During the time of the email exchange Jack Antwerpen stepped down from the dealership and Michael Antwerpen took over the communications with Mr. Hadel on behalf of Antwerpen.

107. Within the email communications, Michael Antwerpen offered to give Mr. Hadel another "house deal" for a Ford F-150 pick-up truck (hereinafter "F-150") due to the inconveniences of the lack of reimbursement on the F-250.

108. After months of emailing back and forth with Jack and Michael Antwerpen with no payments being received by Mr. Hadel, Mr. Hadel determined that he needed to either go to the dealership or call Antwerpen to investigate why the reimbursement was being delayed.

109. Mr. Hadel told Ms. Maggio that he was going to call Antwerpen or go to the dealership in person to discuss the "house deal."

110. In response, Ms. Maggio threatened Mr. Hadel that if he investigated the "house deal" Ms. Maggio would ruin Mr. Hadel's personal and professional life.

111. Due to the nature of their personal relationship, which had at that point become adversarial, these threats were credible, and Mr. Hadel felt that he had no choice but to continue making the payments and hope that Antwerpen would honor the deal.

112. Shortly thereafter, on July 16, 2022, Ms. Maggio sent Mr. Hadel a signed document from Antwerpen that was dated and signed by Michael Antwerpen stating Mr. Hadel's "house deal" would be honored.

113. This document also referenced a "house deal" on the F-150 that Jack Antwerpen offered Mr. Hadel in a prior email.

114. After July 23, 2022, Mr. Hadel stopped receiving emails from Michael Antwerpen.

115. Upon information and belief, some or all of the correspondences with Michael and Jack Antwerpen were forged by Ms. Maggio.

116. From July 2022 to December 2022, Mr. Hadel attempted to make payments on the F-250 loan, but the payments were too high for him to afford.

117. During that time, he incurred late fees and additional interest on the loan.

118. In January 2023, Mr. Hadel could no longer afford the F-250 payments and could not wait any longer for the reimbursement.

119. At that time, Mr. Hadel traded in the F-250 for a far less expensive F-150 that he originally intended to purchase before Ms. Maggio and Antwerpen offered him the "house deal."

CAUSES OF ACTION

COUNT I
Maryland Common Law Tort
Gross Negligence
Defendant Academy

120. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

121. Academy had a duty to Mr. Hadel to protect him from deceptive practices. Accordingly, Academy should have recognized that Ms. Maggio was not telling the truth about the "house deal" and informed Mr. Hadel of the same.

122. Academy breached their duty by facilitating the sale knowing that Mr. Hadel was only purchasing the truck because of his reliance on Ms. Maggio's representations that Academy knew or should have known were false.

123. Mr. Hadel suffered damages relating to Academy's gross negligence by being held to a loan that he should have never been allowed to take out.

124. But for Academy's gross negligence, Mr. Hadel would have never purchased the F-250 and would not have incurred significant monetary and emotional damage.

125. Mr. Hadel suffered actual monetary damages of excess of $35,000.00. Mr. Hadel also suffered emotional damages of pain and suffering stemming from this event.

126. Academy acted with reckless disregard for Mr. Hadel.

COUNT II
Maryland Common Law Tort
Negligence
Defendant Academy

127. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

128. Academy had a duty to Mr. Hadel to protect him from deceptive practices. Accordingly, Academy should have recognized that Ms. Maggio was not telling the truth about the "house deal" and informed Mr. Hadel of the same.

129. Academy breached their duty by facilitating the sale knowing that Mr. Hadel was only purchasing the truck because of his reliance on Ms. Maggio's representations that Academy knew or should have known were false.

130. Mr. Hadel suffered damages relating to Academy's gross negligence by being held to a loan that he should have never been allowed to take out.

131. But for Academy's gross negligence, Mr. Hadel would have never purchased the F-250 and would not have incurred significant monetary and emotional damage.

132. Mr. Hadel suffered actual monetary damages of excess of $35,000.00. Mr. Hadel also suffered emotional damages of pain and suffering stemming from this event.

COUNT III
Maryland Common Law Tort
Negligent Supervision/Retention/Hiring
Defendant Academy

133. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

134. Academy owes Mr. Hadel a duty of care to select and retain employees who were competent and fit to perform the duties of a salesperson and to refrain from retaining individuals who were unfit to person such duties.

135. As a salesperson employer, Academy must hire employees that are able and fit to work at a car dealership.

136. Academy has a duty to use reasonable care to hire and retain competent employees and to provide a safe and trustworthy place for its customers.

137. Mr. Campbell was hired and retained by Academy as a salesperson. Academy hired but did not train Mr. Campbell to be, at minimum, a satisfactory salesperson. This can be seen by Mr. Campbell hearing about Ms. Maggio's "house deal" in detail and still allowing Mr. Hadel to purchase the F-250.

138. Any satisfactory salesperson, in Mr. Campbells shoes, would have heard Ms. Maggio describing the "house deal" and knew that the "house deal" was fraudulent.

COUNT IV
Maryland Consumer Protection Act § 13-30, et seq.
Defendant Academy

139. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

140. If a merchant makes a "knowing concealment, suppression, or omission of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

141. Academy concealed or omitted the material fact that Ms. Maggio's "house deal" was fraudulent by not validating the "house deal" with Antwerpen or warning Mr. Hadel the

"house deal" could be fraudulent. Academy concealed or omitted this material fact so that they could make a sale in excess of $70,000.00.

142. If a merchant makes a "false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers" or a "false or misleading representation of fact which concerns … the reason for or the existence or amount of a price reduction" or "misrepresenting of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

143. Academy represented to Mr. Hadel that it ran his credit and that Mr. Hadel was approved for a loan that it Academy had applied for on his behalf. Mr. Hadel relied on that representation when he purchased the truck. These representations were materially false. Academy did not run his credit or apply for a loan or obtain approval for a loan on September 11, 2021.

COUNT V
Maryland Common Law Tort
Fraud
Defendant Academy

144. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

145. Academy falsely represented to Mr. Hadel that the Sale Contract signed September 11, 2021, was going to be sent to Fifth Third Bank to furnish his loan.

146. Academy acted with reckless indifference as to the truth when they submitted the Second Sale Contract to Fifth third Bank with the forged signature.

147. Academy's misrepresentation was done with the sole purpose of defrauding Mr. Hadel.

148. Mr. Hadel relied on Academy's representation that they would be sending the Sale Contract signed September 21, 2021, to Fifth Third Bank. This can be seen by Mr. Hadel allowing Academy to send the Sale Contract signed September 11, 2021, to Fifth Third Bank.

149. Mr. Hadel suffered compensable injury as a result of Academy's fraud. Mr. Hadel was held to a loan that he should have never been held to, which caused him to incur over $30,000.00 in direct damages.

COUNT VI
Maryland Common Law Tort
Forgery
Defendant Academy

150. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

151. Academy forged Mr. Hadel's signature on documents that were then sent to a bank as part of a loan application on Mr. Hadel's behalf.

152. These documents and Mr. Hadel's forged signatures have been shown to be false.

153. The sole intention of Academy in drafting these documents was to defraud Mr. Hadel.

COUNT VI
The Fair Credit Reporting Act
15 U.S.C. § 1681 et seq.
Unlawful Credit Run
Defendant Academy

154. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

155. Academy forged Mr. Hadel's signature on a credit application.

156. The credit application containing Mr. Hadel's forged signature was sent to the bank to secure his loan.

157. The credit application with Mr. Hadel's forged signatures have been shown to be false.

158. Mr. Hadel's credit was run before Mr. Hadel signed any credit application.

159. The sole intention of Academy in drafting these documents was to defraud Mr. Hadel.

COUNT VII
Maryland Common Law Tort
Breach of Contract
Defendant Antwerpen

160. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

161. Mr. Hadel entered into a contract with Antwerpen whereby Mr. Hadel agreed to purchase an F-250 from Academy and in exchange Antwerpen agreed to provide a rebate for the F-250.

162. Mr. Hadel received a document signed by Michael Antwerpen the owner of Antwerpen Auto Group memorializing the agreement.

163. Mr. Hadel understood the contract to be valid and binding.

164. Antwerpen materially breached the contract by not honoring the agreement.

COUNT VIII
Maryland Common Law Tort
Negligent Hiring/Supervision/Retention
Defendant Antwerpen

165. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

166. Antwerpen owes its costumers a duty of care to select and retain employees who are competent and fit to perform the duties of a salesperson and to refrain from retaining individuals who are unfit to person such duties.

167. As a salesperson employer, Antwerpen must hire employees that are able and fit to work at a car dealership. Antwerpen has a duty to use reasonable care to hire and retain competent employees and to provide a safe and trustworthy place for its customers.

168. Antwerpen owes a duty to its customers to hire, train, and retain salespeople that are fit and able to work as salespeople.

169. Antwerpen hired, trained, and retained Ms. Maggio as a salesperson.

170. Antwerpen had authorized Ms. Maggio to furnish sales on behalf of Antwerpen.

171. Ms. Maggio should not have been retained by Antwerpen as a salesperson, with authorization to furnish sales on behalf of Antwerpen.

172. Ms. Maggio was not fit and able to be a salesperson at Antwerpen due to her defrauding Mr. Hadel on behalf of Antwerpen.

COUNT IX
Maryland Consumer Protection Act § 13-30 et seq.
Defendant Antwerpen

173. Mr. Hadel realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

174. If a merchant makes a "false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind which has the capacity, tendency, or effect of deceiving or misleading consumers" or a "false or misleading representation of fact which concerns … The reason for or the existence or amount of a price reduction" or "misrepresenting of any material fact with the intent that a consumer rely on the same in connection with…The promotion or sale of any consumer goods…" they have violated the Maryland Consumer Protection Act.

175. Antwerpen, through Ms. Maggio, made misleading oral and written representations with the effect of deceiving Mr. Hadel. It was represented to Mr. Hadel he would be receiving a "house deal" on the F-250 to which he reasonably relied to his detriment.

176. Antwerpen made misleading representations, through Ms. Maggio, that Mr. Hadel would be receiving a "house deal", which contained a price reduction on an F-150.
Antwerpen had made material misrepresentations to Mr. Hadel regarding the price of the F-250 and F-150 in his "house deals", to which Mr. Hadel reasonably relied.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff BLAKE HADEL prays that judgment be entered in his favor and against; Defendants ACADEMY FORD SALES INC., and ANTWERPEN AUTO GROUP for compensable damages, plus interest, statutory damages, punitive damages, attorneys' fees, expert witness fees and his costs of suit in an amount that exceeds $75,000, and such other relief as this Court deems just and equitable.

DEAMND FOR JURY TRIAL

Plaintiff BLAKE HADEL demands a jury trial pursuant to Maryland Rule 2-235.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
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Phone: (484) 332-0454
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Jonathan Gross Esq.
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Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com
Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of November 2024, a true and correct copy of the foregoing Plaintiff's First Amended Complaint was sent via MDEC to the emails of record for counsel for Academy and Antwerpen:

Sarah Spitalnick, Esq.
Counsel for Plaintiff

E-FILED; Howard Circuit Court
Docket: 3/10/2025 1:37 PM; Submission: 3/10/2025 1:37 PM
Envelope: 20293695

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants	)	

PLAINTIFF'S MOTION FOR RECONSIDERATION OF DEFENDANTS MOTION TO COMPEL ARBITRATION

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq. hereby brings forth this Motion to Reconsider the Order Granting ACEDAMY FORD'S Motion to Compel Arbitration, and states in support as follows:

RELEVENT FACTS

1. On to about January 9, 2025, Plaintiff and Defendant Academy Ford LLC ("Academy"), conducted a hearing on Academy's Motion to Compel Arbitration.
2. On or about February 14, 2025, the Court granted Academy's Motion to Compel.
3. On or about September 11, 2021, Plaintiff signed the first Retail Sales Installment Contract ("RSIC 1") with a live wet ink signature.
4. On or about September 14, 2021, a second Retail Sales Installment Contract ("RSIC 2") was signed electronically showing the name "Blake Hadel".
5. On or about September 14, 2021, Academy submitted the Plaintiff's Vehicle Sales Contract and RSIC 2 as the basis to furnish the Plaintiffs loan with Fifth Third Bank.
6. On or about September 14, 2021, Fifth Third Bank approved the Plaintiff's loan

for the truck with a purchase date of September 14, 2021 and loan start date of October 29, 2021.

7. Within RSIC 1, the purchase date is September 11, 2021, and a loan start date of October 26, 2021.
8. Within RSIC 2, the purchase date is September 14, 2021, and a loan start date of October 29, 2021.
9. Plaintiff paid towards the loan through Fifth Third Bank accordance with RSIC 2, without realizing he was performing RSIC 2.
10. Both Plaintiff and Academy have enforced, executed, and acted in accordance with RSIC 2.
11. RSIC 1 has not been enforced or executed regarding the truck purchase until these current proceedings.
12. RSIC 1 contains an Arbitration Provision.
13. RSIC 2 and the Vehicle Sales Contract do not contain Arbitration Provisions.
14. Plaintiff is not seeking to fully dispute or void RSIC 1.

ARUGUMENT

Academy has rested their entire argument on the fact that the Plaintiff had admitted he is not disputing the RSIC 1, and since that contract had an arbitration provision, Academy is allowed to compel arbitration under that contract. This argument is flawed and materially prejudicial to the Plaintiff.

Academy has correctly argued the basic laws of arbitrability in Maryland, and if the RSIC 2 never existed Academy would be correct, but that is not the case presently. Academy has blaringly missed and/or ignored that RSIC 2 does exist and that it supersedes and/or alters RSIC

1. Academy has completely ignored that there was two RSIC contracts for this purchase *and* that Academy has been the party to fully enforce, execute, and acted in accordance with RSIC 2 up until this litigation commenced. Just because the Plaintiff is not looking to fully dispute or void RSIC 1, does not allow Academy to retroactively attempt to enforce RSIC 1 now because it is more advantageous to them presently. Plaintiff has claims within the Complaint that state both RSIC contracts were done through fraudulent means. Just because the Plaintiff is not disputing to void the entire RSIC 1 does not retroactively allow the entire contract to be enforceable. To compel Arbitration in this case not only is the court is allowing Academy to enforce and execute RSIC 2 in 2021 but also then retroactively enforce RSIC 1 now because its advantageous to them, even though it is ignoring basic contract law.

Academy has asserted that *Ford v. Antwerpen Motorcars Ltd.,* 443 Md. 470 brought the same issue as brought here. Academy has misconstrued the facts of the *Ford* case, as the *Ford* case dealt with two RSICs and a Vehicle Sales Contract where all three contained arbitration provisions. Here, the Vehicle Sales Contract and RSIC 2 do not contain any arbitration provision, while *only* RSIC 1 contain an arbitration provision. Within *Ford,* the court found that arbitration can be compelled since all contracts had an arbitration provision and if one contract superseded and/or voided the other it would not void the arbitration provision. *Ford* is relevant and binding when it involves two of the same contracts that all contain arbitration provisions but it is not binding or persuasive when the two contracts at hand both do not contain an arbitration provision.

According to *Bob Smith auto. Grp., Inc. v. Ally Fin., Inc.,* 2016 Md. App. LEXIS 937, *17, when determining if the contracts should be read together or separately in the furtherance of a vehicle purchase, you look at “"the several contracts were known to all the parties and were

delivered at the same time to accomplish an agreed purpose". Also "… as a rule of law [multiple contracts] 'should be read together as they represent successive steps which were taken to accomplish a single purpose." *Id.* Here, the RSIC 2 was not known to the Plaintiff until well after the document was signed and executed by Academy. Also, when determining if the contracts should be read together as representing the successive steps of a vehicle purchase, the court looks to if the contracts in dispute are necessary to confirm the purchase of the vehicle. Here, the two contracts in dispute are the exact same contract with just dates differing and either the presence or lack thereof of an arbitration provision. There is no industry standard or any standard that would require two RSIC's to be signed by a buyer of a motor vehicle. Specifically, Academy has asserted no argument or given any reason on why two RSIC's were signed but only one has been executed and enforced. It is impossible for the Court to allow both RSIC's to be a part of "a single purpose". Without both the RSIC's being able to be a part of a single purpose and RSIC 2 not being known to the Plaintiff at the time of the purchase, only one can be the RSIC for the Plaintiff's purchase. Moreover, this issue is square within the realm of basic contract law.

Under Contract Law, when there are two copies of a similar contract or two versions of a contract where both contracts are regarding the same subject matter the latter of the two contracts overrides or supersedes the first contract. *First Mortg. Bond Homestead Ass'n v. Nelson,* 151 Md. 181, 191, and *Neal v. Hopkins,* 87 Md. 19, 24. Depending on the differences between the two contracts, either the latter contract will supersede entirely the first or the latter will supersede the difference between the two contracts. *Id.*

Here, both the RSIC's are the same except for the dates of purchase and loan installation and either the presence or lack thereof of an arbitration provision. The latter has a date of purchase of 09/14/2021 and loan instillation date of 10/29/2021 and lacks on arbitration

provision, while the first has a purchase date of 09/11/2021 and loan installation date of 10/26/2021and contains an arbitration provision. With the law being clear, the latter RSIC is fully binding and RSIC 1 shall be incorporated into RSIC 2 excluding the three differences mentioned above. Specifically, by RSIC 1 being incorporated into RSIC 2, the arbitration provision is unbinding and cannot be compelled.

Academy has asserted that since the Plaintiff has acted in accordance with RSIC 1 and is not disputing or voiding RSIC 1, that contract law should be ignored and the Court shall compel arbitration. This assertion has misconstrued the facts and is patently faulty. Specifically, the Plaintiff is not fully disputing or voiding RSIC 1, he is merely stating that he is not disputing that he signed the RSIC 1 and is not looking to dispute the contract as a whole. Even though the Plaintiff is not looking to dispute the entirety of RSIC 1, that does not negate RSIC 1 being incorporated into RSIC 2 and nullifying the arbitration provision only, not the contract as a whole. Academy has taken an all-in or nothing approach to RSIC 1 and RSIC 2, which is the incorrect standard when dealing with two of the same contracts (with minor difference). The correct standard is to incorporate all the same terms while superseding the different terms. *Id.* Whether the Plaintiff is disputing RSIC 1 or not, it does not alter the standard in which the contract should read, and basic contract law should be applied.

Lastly, Academy has completely ignored the fact that there are two RSICs and RSIC 2 is the only one that was ever enforced, executed, or acted in accordance with. Up until this litigation *only* RSIC 2 has been enforced and executed by both parties. Academy submitted RSIC 2 to Fifth Third Bank as the contract the purchase is based on, and the Plaintiffs loan was based on. This can be seen through the communications between Fifth Third Bank and the Plaintiff, but also in the basic terms of the Plaintiffs loan. When Fifth Third Bank sent the Plaintiff his loan

documents, he was sent RSIC 2 as the basis for his purchase. Also, the loan installment payments were set to start 10/29/2021 and be paid on the 29th of every month. Only RSIC 2 had the loan installment date of 10/29/2021, RSIC 1 had a loan installment date of 10/26/2021. For the length of the loan with Fifth Third Bank, the Plaintiff, without knowledge, acted in accordance with RSIC 2 not RSIC 1. Academy also only acted within the terms of RSIC 2 and not RSIC 1. Neither party has ever executed or acted in accordance with RSIC 1. The only reason Academy is attempting to enforce RSIC 1 now is because RSIC 2 does not contain an arbitration provision, and they want to retroactively enforce RSIC 1 because it is advantageous to them presently. If Academy wanted to enforce or execute RSIC 1, they had all ability and time to do so yet failed to do so until this litigation. Following basic contract law, at minimum RSIC 1 is incorporated into RSIC 2 with the dates and lack of arbitration provision being controlled by RSIC 2.

Ultimately Academy, by being granted Arbitration, they are getting to have their cake and eat it too. Academy submitted, executed, and enforced RSIC 2 throughout the entire tenure of the Plaintiffs loan, all the way through the closure of the Plaintiffs loan. If the Plaintiff had never brought this suit, RSIC 2 would still be the full executed and enforced contract for the Plaintiff's purchase. It is wildly unfair and prejudicial to the Plaintiff to be held to a contract that neither party ever executed or enforced, when Academy is free to choose when they want to execute RSIC 2 and when they want to execute RSIC 1. Basically, by granting Arbitration, the Court is allowing Academy to pick and choose when to execute RSIC 1 or RSIC 2 depending on which suits them better at the time, while the Plaintiff is being forced to be held to whatever RSIC Academy chooses without any say. The Plaintiff never had the ability to choose which contract to execute and enforce depending on what suits his interest, due to Academy's withholdings, but Academy is allowed to pick and choose which one to enforce depending on

their interests. If Academy wanted to execute and enforce RSIC 1, they should have in 2021 when submitting the Plaintiff's information to Fifth Third Bank, but they failed to do so. The Plaintiff and Academy should be held to RSIC 2 because it is the only contract ever to be executed, enforced, and acted in accordance with.

WHEREFORE, Plaintiff BLAKE HADEL prays that this Honorable Court to reconsider its Order granting Defendants Motion to Compel Arbitration.

Date: March 10, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
CPF#: 23112901
Phone: (484) 332-0454
sarahspitalnickesq@gmail.com

/s/ Jonathan Gross
Jonathan Gross, Esq. MD Bar: 1912170138
2833 Smith Ave, Suite 331
Baltimore, MD 21209
(443) 813-0141
jonathansgross@gmail.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 10, 2025, a copy of the foregoing Plaintiff's Motion for Reconsideration was sent electronically via MDEC to the email address on file for Counsel for the Defendants.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Howard Circuit Court
Docket: 3/11/2025 3:41 PM; Submission: 3/11/2025 3:41 PM
Envelope: 20317072

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants	)	

PLAINTIFF'S MOTION TO WITHDRAW MOTION FOR RECONSIDERATION

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick Esq. and Jonathan Gross Esq. hereby brings forth this Motion to Withdraw Default Judgement and Consent to Extent Time to Respond for Defendant ACADEMY FORD LLC based on MD Rule 8-605 and states in support as follows:

1. On or about March 10, 2025, Plaintiff filed a Motion for reconsideration.
2. The Plaintiff's Motion for Reconsideration was filed in error.

WHEREFORE, Plaintiff respectfully request that this Court GRANT Plaintiff's Motion to withdraw Plaintiffs Motion to Withdraw Motion for Reconsideration.

Date: March 11, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
CPF#: 23112901
Phone: (484) 332-0454
sarahspitalnickesq@gmail.com

/s/ Jonathan Gross
Jonathan Gross, Esq. MD Bar: 1912170138

GRANTED. The Plaintiff's Motion for Reconsideration filed 3/10/25 is hereby WITHDRAWN.

04/02/2025 11:56:49 AM
William V. Tucker
William V. Tucker, Administrative Judge

Entered: Clerk, Circuit Court for Howard County, MD
April 3, 2025

2833 Smith Ave, Suite 331
Baltimore, MD 21209
(443) 813-0141
jonathansgross@gmail.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2025, a copy of the foregoing Plaintiff's Motion to Withdraw the Motion for Reconsideration was sent electronically via MDEC to the email address on file for Counsel for the Defendants.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Howard Circuit Court
Docket: 4/25/2025 5:35 PM; Submission: 4/25/2025 5:35 PM
Envelope: 20954877

BLAKE HADEL,	)	IN THE
	)	
Plaintiff,	)	CIRCUIT COURT
	)	
	)	FOR HOWARD
v.	)	
	)	COUNTY
ACADEMY FORD LLC, et al.	)	
	)	CASE NO: C- C-13-CV-24-000309
Defendants	)	

PLAINTIFF'S OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGEMENT

Plaintiff, BLAKE HADEL, by and through his undersigned counsel, hereby submits this Opposition to Defendant ANTWERPEN HYUNDAI, INC.'S ("Antwerpen") Motion for Summary Judgment pursuant to Maryland Rule 2-501. Genuine disputes of material fact exist regarding Meghan Maggio's apparent authority to act on behalf of Antwerpen, her misrepresentations, and Antwerpen's involvement in the "house deal" that induced Plaintiff's purchase of a Ford F-250 Super Duty truck. These disputes preclude summary judgment, and Plaintiff respectfully requests that the Court deny Antwerpen's motion.

I. INTRODUCTION

Antwerpen's Motion for Summary Judgment hinges on two primary assertions: (1) that no enforceable contract existed between Plaintiff and Antwerpen, and (2) that Meghan Maggio lacked authority to act on Antwerpen's behalf. These assertions are directly contradicted by evidence in the record, including Plaintiff's attached declaration, communications attributed to Antwerpen representatives, a signed contract with what proports to be Michael Antwerpen's signature, and circumstantial evidence of Meghan Maggio's ("Ms. Maggio") apparent authority. Moreover,

Antwerpen's reliance on Ms. Maggio's deposition testimony is misplaced, as Plaintiff has presented evidence that Ms. Maggio misrepresented her involvement and authority in her deposition. These factual disputes require resolution by a jury, not summary disposition.

II. LEGAL STANDARD

Under Maryland Rule 2-501, summary judgment is appropriate only when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. *Keesling v. State*, 288 Md. 579, 583 (1980). The Court must view all facts and inferences in the light most favorable to the non-moving party. *Knisley v. Keller*, 11 Md. App. 269, 272 (1971). To defeat summary judgment, the non-moving party need only identify admissible evidence that creates a genuine issue of material fact. *Id.* General allegations are insufficient, but specific evidence showing disputed facts precludes summary judgment. *Lynx, Inc. v. Ordnance Prods., Inc.*, 273 Md. 1, 7 (1974).

III. ARGUMENT

A. Genuine Disputes of Material Fact Exist Regarding Meghan Maggio's Apparent Authority to Act on Behalf of Antwerpen

Antwerpen argues that Ms. Maggio lacked authority to bind Antwerpen to any agreement related to the "house deal" because she was not employed by Antwerpen at the time of the truck purchase on September 11, 2021 or any time after March 10, 2021. However, Plaintiff presents evidence that Ms. Maggio had *apparent authority* to act on Antwerpen's behalf, creating a genuine dispute of material fact.

Under Maryland law, apparent authority arises when a principal's actions lead a third party to reasonably believe that an agent has authority to act on the principal's behalf. *Wailes & Edwards, Inc. v. Bock*, 265 Md. 274, 277-78 (1972). The principal is liable for the agent's actions if the agent is held out to the public as having competent authority or is acting within the scope of their usual employment. *Id.* Here, Plaintiff's evidence supports a finding of apparent authority.

Plaintiff has submitted a sworn declaration stating that Ms. Maggio represented herself as an authorized agent of Antwerpen capable of securing a "house deal" for the truck purchase. (Exhibit A, Hadel Decl. ¶ 1,2,4,5). Plaintiff relied on these representations when driving to Academy Ford and completing the purchase in accordance of the "house deal". Plaintiff's belief was reasonable given Ms. Maggio's prior employment with Antwerpen and her phone call she made while at Academy with Antwerpen confirming the details of the "house deal". (Am. Compl. ¶ 38,37,40).

Antwerpen claims Ms. Maggio was not employed after March 10, 2021, citing her deposition and Michael Antwerpen's affidavit. (Def.'s Mot., Ex. 4, 5). However, Ms. Maggio's employment with Antwerpen from June 27, 2018, to March 10, 2021, was close enough in time to the September 2021 transaction to create a reasonable belief that she retained authority or connections with Antwerpen. Ms. Maggio also did not secure any other employment between March 10, 2021 and August 2022. Plaintiff's declaration states that Ms. Maggio referenced her ongoing relationship with Antwerpen and its owner, Jack Antwerpen, to arrange the "house deal." (Hadel Dec. ¶ 1,2,4,5). As of recent as November 2024, a cursory google search of "Meghan Maggio" it will show her employment with Antwerpen as a sales person, starkly

missing from this link is Ms. Maggio's end date with Antwerpen. A reasonable person in 2024 could reasonably believe Ms. Maggio is still employed by Antwerpen as recent as 2024. Antwerpen acted in no way to show the public that they had severed ties with Ms. Maggio and that she no longer had authority of Antwerpen. This proximity in time and stark lacking of any action from Antwerpen that they severed ties with Ms. Maggio raises factual questions about whether Antwerpen's conduct contributed to Plaintiff's belief in Ms. Maggio's authority.

Plaintiff received emails and a signed document purportedly from Jack and Michael Antwerpen acknowledging the "house deal" and promising reimbursement. (Amended Compl. ¶¶ 102-03, 112; Def.'s Mot., Ex. 6). While Antwerpen claims these communications were fraudulent, this is moot, as Plaintiff believed he was communicating with Antwerpen representatives at all the relevant times. (Hadel Decl. ¶ 6,13,14,15). Whether these communications were genuine or forged by Ms. Maggio is a factual dispute that bears on her apparent authority. If Ms. Maggio forged these documents, her ability to do so plausibly stems from her prior employment and access to Antwerpen's systems or letterhead, further supporting Plaintiff's reasonable reliance.

Plaintiff alleges that Ms. Maggio spoke with Jack Antwerpen and an Academy Ford sales representative to arrange the "house deal" on September 11, 2021. (Amended Compl. ¶¶ 38, 41). These actions, conducted in Plaintiff's presence, reinforced his belief that Ms. Maggio was acting with Antwerpen's authority. Whether Antwerpen authorized or was aware of these discussions is a material fact in dispute. Further, when Plaintiff and Ms. Maggio were at Academy, where Ms. Maggio spoke at length to Academy salesmen about the "house deal", no one at Academy raised any issues with the "house deal". Ms. Maggio had created a complex

fraud where many people, besides Plaintiff, believed Ms. Maggio was still gainfully employed by Antwerpen.

These facts, viewed in the light most favorable to Plaintiff, establish that Antwerpen's actions (or inaction to disavow Ms. Maggio's representations) led Plaintiff to reasonably believe Ms. Maggio had authority to bind Antwerpen to the "house deal." At minimum, this creates a jury question as to apparent authority, precluding summary judgment.

B. Evidence Shows Meghan Ms. Maggio Lied in Her Deposition, Creating a Credibility Issue

Antwerpen heavily relies on Ms. Maggio's deposition testimony to assert that she was not employed by Antwerpen at the time of the purchase and did not discuss the "house deal" with Antwerpen representatives or Plaintiff. (Def.'s Mot., Ex. 5). However, Plaintiff presents evidence that Ms. Maggio misrepresented her actions regarding this matter and the terms of her voluntarily dismissal from this matter, undermining her credibility and creating a genuine dispute of material fact.

Plaintiff's declaration directly contradicts Ms. Maggio's testimony, stating that Ms. Maggio misrepresented her authority and involvement with Antwerpen. (Hadel Decl. ¶ 1,2,3,4,5). Specifically, Plaintiff states that Ms. Maggio claimed to have arranged the "house deal" with Antwerpen's owner and provided documents and emails to support this claim, which she later denied in her deposition. (*Id.* at 6,13,14)

Ms. Maggio's deposition testimony that she did not discuss the "house deal" with Antwerpen (Def.'s Mot., Ex. 5, 41-42:12-6) is inconsistent with her actions on September 11, 2021, when she allegedly spoke with Jack Antwerpen and an Academy Ford representative about the deal.

(Amended Compl. ¶¶ 38, 41). Ms. Maggio also testified that she had never spoken with Plaintiff about this "house deal", yet there are screenshots of her text communications with Plaintiff where she referenced the "house deal". (Exhibit B). Ms. Maggio testified that she never sent the emails that have the email address name of meg_maggio@yahoo.com, even though she admitted that is her email address. (Maggio Depo. 117 at 7-8).

Ms. Maggio also characterized her dismissal from this suit as requested by Plaintiff and furthering her intention of "breaking" from Plaintiff "for good" due to Plaintiff "breaking" Ms. Maggio. Ms. Maggio testified in her deposition that she was dismissed from this suit due to Ms. Maggio and Mr. Hadel signing a Consent Order in their custody dispute that required Plaintiff to dismiss Ms. Maggio as a defendant in this suit. Ms. Maggio testified Plaintiff was the party to suggest the terms of the Consent Order, including dropping Ms. Maggio from this matter. Ms. Maggio further testified that she agreed to the Consent Order and being dropped from this matter because Plaintiff had "broken" her and she wants to move on from Plaintiff's abuse. As sworn in Plaintiff's Declaration, Ms. Maggio was the party to suggest the Consent Order that allowed her to be dismissed from this matter. Also Ms. Maggio has not acted in accordance of wanting to separate herself from Plaintiff for good, in fact she has acted in the complete opposite way. (Hadel Decl. ¶ 7-12). Since the Consent Order was signed, Ms. Maggio has requested Plaintiff have visitation with their minor child, requested Plaintiff go to an event with her and the minor child, and has stated that if Plaintiff be present in the minor child's life, she will respect Plaintiff as the minor child's father. For Ms. Maggio to testify that she wanted to be separated from Plaintiff for good, is just patently false. These contradiction raises a factual question about her truthfulness and credibility.

Plaintiff alleges that Ms. Maggio forged correspondence from Michael and Jack Antwerpen. (Amended Compl. ¶ 115). If true, this suggests Ms. Maggio misrepresented her authority to Plaintiff while simultaneously making misrepresentations in her deposition about her lack of involvement. The veracity of these documents and Ms. Maggio's role in creating them are disputed facts that require jury resolution.

Ms. Maggio's credibility is central to determining whether she acted with apparent authority or misrepresented Antwerpen's involvement. Her potential falsehoods cannot be resolved on summary judgment, as credibility determinations are reserved for the trier of fact. *See Knisley*, 11 Md. App. at 272-73.

C. The Existence or Forgery of a Contract Does Not Negate Ms. Maggio's Apparent Authority

Antwerpen argues that no enforceable contract existed between Plaintiff and Antwerpen because all purchase contracts were with Academy Ford. (Def.'s Mot. at 5-6). This argument misses the point. Plaintiff's claims against Antwerpen are not solely based on a written contract but on the doctrine of apparent authority and fraudulent inducement stemming from Ms. Maggio's representations. Whether the contracts were forged or not, Ms. Maggio's apparent authority to promise a "house deal" on Antwerpen's behalf induced Plaintiff to purchase the truck, creating liability for Antwerpen.

Under Maryland law, a principal may be liable for an agent's misrepresentations if the agent acts with apparent authority, even absent a formal contract. *See Wailes & Edwards*, 265 Md. at 277-78. Plaintiff's reliance on Ms. Maggio's representations—bolstered by her prior employment, communications with Antwerpen representatives, and conduct at Academy Ford—

creates a triable issue of fact regarding Antwerpen's liability for her actions. The alleged forgeries, if committed by Ms. Maggio, further support Plaintiff's claim that she misrepresented her authority, but they do not absolve Antwerpen if Plaintiff's reliance was reasonable.

D. Genuine Disputes Exist Regarding Antwerpen's Involvement in the "House Deal"

Antwerpen asserts it had no involvement in Plaintiff's truck purchase and no business relationship with Academy Ford. (Def.'s Mot., Ex. 4 ¶¶ 6, 11). However, Plaintiff's evidence suggests otherwise.

Plaintiff's declaration and the Amended Complaint allege that Ms. Maggio arranged for Antwerpen to provide a rebate or "house deal" as part of the Academy Ford purchase. (Hadel Decl. ¶¶ 5-7; Amended Compl. ¶ 33). These representations were corroborated by communications Plaintiff believed came from Antwerpen representatives.

The proximity of Ms. Maggio's employment with Antwerpen to the transaction, her alleged discussions with Jack Antwerpen, and the existence of documents purportedly signed by Michael Antwerpen (even if forged) suggest some level of involvement or failure by Antwerpen to monitor Ms. Maggio's actions. These facts create an inference that Antwerpen may have been aware of or contributed to the "house deal" arrangement.

These disputes about Antwerpen's role in the transaction preclude summary judgment. A jury must determine whether Antwerpen's actions or inactions contributed to Plaintiff's reasonable belief in the "house deal."

IV. CONCLUSION

Genuine disputes of material fact exist regarding Meghan Maggio's apparent authority, the truthfulness of her deposition testimony, and Antwerpen's involvement in the "house deal." Plaintiff's declaration, the timing of Ms. Maggio's employment, and the alleged communications from Antwerpen representatives create triable issues that cannot be resolved on summary judgment. Accordingly, Plaintiff respectfully requests that the Court deny Defendant ANTWERPEN HYUNDAI, INC.'S Motion for Summary Judgment and allow this case to proceed to trial.

Respectfully Submitted,

/s/Sarah Spitalnick
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April 2025, a true and correct copy of the foregoing Opposition to Defendants' Motion for Summary Judgement was sent via MDEC for counsel of record for Defendants.

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

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E-FILED; Baltimore City Circuit Court
Docket: 5/17/2024 12:52 PM; Submission: 5/17/2024 12:52 PM
Envelope: 16493567

GLENN GEORGE, 3507 Sunflower Pl., Bowie, MD 20721 *Plaintiff*,	)	IN THE CIRCUIT COURT FOR BALTIMORE CITY
v. BALTIMORE GAS AND ELECTRIC COMPANY. 110 W. Fayette St. Baltimore, MD 21201 *Defendant*,	)	CASE NO: C-

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, GLENN GEORGE, by and through his counsel, hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF ACTION

1. This case arises out of the unlawful race and disability discrimination and retaliation by Baltimore Gas & Electric Company (hereinafter "BGE" or the "Company") against Glenn George (hereinafter "Mr. George") in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 2000e-2 *et seq*. and § 2000e-3 *et seq*., Title 20 of Maryland's State Government Article ("Title 20"), and the Baltimore County Human Rights Law (County Code, Article 29).

2. BGE discriminated against Mr. George based on his race (African American) and on the basis of his disability throughout his employment with BGE, and further retaliated against him due to reporting the discrimination.

3. Mr. George seeks compensation for economic loss, mental and emotional distress, punitive damages, and attorneys' fees and costs.

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PARTIES

4. Plaintiff, GLENN GEORGE, is a resident of the State of Maryland.

5. Defendant, BALTIMORE GAS AND ELECTRIC COMPANY., is a corporation incorporated under the laws of Maryland.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501 and § 6-102 because BGE has its principal place of business in Maryland.

7. Venue is proper in this District pursuant to § 6-201 because BGE has their principal place of business in Baltimore City.

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FACTS

8. In or around the fall of 2017, BGE hired Mr. George as Senior Engineer for its Substation & Services Engineering Department. In this role, Mr. George was responsible for providing electrical engineering support to maintain the following substation assets: transformers, breakers, battery and battery charger systems, and battery energy storage systems.

9. Mr. George was hired in this role because of his qualifications and experience. Mr. George has a Master's Degree in Electrical Engineering and Management and a Bachelor's Degree in Applied Sciences. Mr. George is also a licensed Professional Electrical Engineer, certified Project Management Professional, and an accredited professional in Leadership in Energy and Environment.

10. Mr. George was part of the Substation and Services team which consisted of five employees – three technicians and two engineers.

11. Mr. George was the only African American employee on the team during his tenure.

12. Shortly after Mr. George was hired, BGE began discriminating against him on the basis of his race.

13. Mr. George quickly learned that BGE has a pattern and practice of discriminating against employees on the basis of their race.

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

14. In or around December 2017, Mr. George was traveling in a car with then-Manager Richard Clarke, then-Senior Manager Richard Knotts, and then Senior-Engineer Daniel Blaydon from Delta Star Transformer Factory in Lynchburg, Virginia to the BGE Electric Operations Building in Baltimore, Maryland. Notably, Mr. Clarke is white.

15. While in the car, Mr. Clarke began discussing BGE Senior Executives – then BGE CEO Calvin Butler, then BGE VP of Operations Darryl Stokes, and then BGE VP Rodney Odey, all of whom are African American. Mr. Clarke expressed his displeasure with BGE selecting African American candidates to fill the Senior Executive positions and stated the "Black executives are prisoners running the camp," or words to that effect.

16. Mr. Clarke went on to say that the African American Senior Executives "sent [Mr. George] to [Mr. Clarke's] department to take [Mr. Clarke's] job," or words to that effect.

17. In an attempt to distance himself from such a racially charged conversation, Mr. George put on his headphones and turned the volume up.

18. The next day, Mr. George spoke to Mr. Clarke about the racially-charged conversation and informed Mr. Clarke that such comments made him feel uncomfortable. Mr. Clarke responded by reiterating his position that the leadership of color at BGE were "prisoners running the camp," or words to that effect.

19. From November 2017 until he was transferred from the Substation & Services Engineering team in July 2019, Mr. George endured harassment,

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belittlement, and racially insensitive comments made about African Americans by his white team members.

20. For example, in one incident Mr. George attended a Substation Monitoring meeting with Mr. Clarke, Ms. Archibald, Mr. Evan Siverd, and Mr. Daniel Blaydon. In the meeting, Mr. Clarke, Ms. Archibald, Mr. Siverd, and Mr. Blaydon, all of whom are white, discussed how "stupid" African American leaders and other people of color were.

21. Mr. George later discussed the racially charged comments with Mr. Clarke, and Mr. Clarke doubled down and said the statements made in the meeting "were true."

22. In or around March 2018, Mr. George was on a phone meeting with then-Director of Transmission & Substation Laura Wright and his then-Manager Richard Clarke discussing a Report Mr. George was working on but had not yet completed. Ms. Wright asked why the report had not yet been finished, and Mr. Clarke responded that Mr. George "is lazy," or words to that effect.

23. Mr. George later approached Mr. Clarke to discuss his inappropriate, demeaning, and belittling comment in the March 2018 meeting with Ms. Wright. Mr. Clarke dismissed Mr. George's concerns and responded that BGE management will "just send me to sensitivity training," or words to that effect.

24. In or around April 2018, while Mr. George was on the phone troubleshooting a problem with a vendor, then-Manager Richard Clarke interrupted Mr. George, used his elbow and shoulder to push Mr. George away, took over Mr.

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George's phone line and began discussing the problem with the vendor. Mr. George approached Mr. Clarke and asked him why he (Mr. Clarke) shoved him (Mr. George) and ignored him (Mr. George). Mr. Clarke ignored Mr. George.

25. The following day, Mr. George went to report Mr. Clarke's inappropriate behavior to Mr. Clarke's then-Manager, then-Director Stephen Goad. Mr. Goad is white.

26. When Mr. George began reporting Mr. Clarke's behavior, Mr. Goad interrupted Mr. George and told him he ought to be "cautious about what he says about people that do a good job for the Company," or words to that effect. After that remark, Mr. George did not feel comfortable reporting Mr. Clarke's behavior to Mr. Goad, and the two discussed Mr. George's role and job duties. Mr. Goad informed Mr. George he would talk to Mr. Clarke about his managerial style, but Mr. Clarke's behavior never improved – it worsened.

27. Although Mr. George was a Senior Engineer, in or around May 2018, Mr. Clarke assigned Mr. George the janitorial task of cleaning up the Electric Operations Building Battery room. Mr. Clarke had never assigned any of the white Senior Engineers such janitorial tasks.

28. In or around July 2019, Mr. George informed Mr. Clarke about Ashley Archibald's, formerly Ashley Geigel, inappropriate and disrespectful behavior towards him. Ms. Archibald said Mr. George was not qualified to do his job (he was). Mr. George also overheard Ms. Archibald say to someone on the phone that Mr. George would be "evicted from the department soon," or words to that effect. Two

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weeks later, Mr. George was removed from the Substation and Services team. Ms. Archibald is white.

29. Mr. Clarke responded to Mr. George saying that Mr. George should be tolerant of the disrespectful behavior towards him since Ms. Archibald "does a good job for the company," or words to that effect.

30. While Mr. George was removed from the Substation and Services team and assigned a new supervisor in July 2019, his desk remained where the Substation and Services team sat, and he was still assigned to a Substation Monitoring program in which Substation and Services is the main Stakeholder.

31. In or around October 2018, Mr. George was sitting at his desk adjacent to Ms. Archibald and Mr. Evan Siverd (Electrical Engineer), when he overheard Ms. Archibald and Mr. Siverd discussing how they were going to taunt and harass Mr. George until he reacted in a manner that was "contrary to BGE's Code of Conduct in an attempt to get [Mr. George] fired," or words to that effect.

32. In or around June 2019, Mr. George met with then-Acting Director of Substation Maintenance John Compher and Mr. Clarke to discuss Mr. Clarke's racially charged language and discriminatory actions towards Mr. George and Mr. Clarke's managerial style that supported and maintained a hostile work environment for Mr. George. Mr. Compher took notes during the meeting and assured Mr. George that he would address the issues with Mr. Clarke. Mr. Clarke's behavior did not improve.

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33. Mr. George also reported Mr. Clarke's discriminatory comments and behavior to then Senior Manager Richard Knotts.

34. In or around November 2019, after reporting Mr. Clarke's behavior to Mr. Compher and Mr. Knotts, Mr. George lost his engineering role and was demoted to a Project Manager/Management type role in an entirely different department that required no engineering expertise.

35. Mr. Knotts and Mr. Clarke were responsible for initiating Mr. George's transfer.

36. Mr. Clarke hired Keith Brock as Mr. George's replacement. Mr. Brock is white.

37. After demoting and transferring Mr. George and hiring Mr. Brock, Mr. Clarke's entire team consisted of all white employees.

38. Mr. George was assigned to training Mr. Brock as to how to do his job.

39. After Mr. George's demotion and transfer, Mr. George asked that the Substation Monitoring program that he was assigned to be reassigned to someone else so that he did not have to continue working with the team that was consistently harassing him and discriminating against him. Mr. George also asked that his desk location be moved so he did not have to sit near and constantly engage with the individuals that were harassing him.

40. BGE refused to reassign the Substation Monitoring program per Mr. George's request, and Mr. George was forced to continue working with the employees that were discriminating against him and harassing him.

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

41. On or about December 2019, then-Manager Joseph Meyer interrogated Mr. George about projects he was assigned to in a demeaning and harsh tone. Notably, Joseph Meyer previously interned for Richard Clarke when Mr. Meyer was a college student and as such, had a demonstrated pattern of loyalty to Mr. Clarke. Mr. Meyers is also white.

42. In or around February 2020, in a team meeting with Mr. George, Mr. Clarke, and Ms. Archibald, then-Manager Joseph Meyer told Mr. George he had "no escalation path at BGE," or words to that effect. Mr. Meyer followed in Mr. Clarke's path by harassing and discriminating against Mr. George while he was his manager.

43. In or around April 2020, in a meeting with Logan Hughes, Brandon Harrell, and Joseph Meyer, Mr. George presented status reports on his projects. During the presentation, Mr. Meyer was abrasive, demeaning, and belittling towards Mr. George. As Mr. Hughes was setting up to present his status report, he remarked, "that was brutal," referring to Mr. Meyer's behavior towards Mr. George.

44. At this time, Mr. George was still assigned to the Substation Monitoring program, even though he previously asked to be re-assigned to another engineering project to escape the harassment and discrimination he endured from the team, and even though he was assigned to a different team and different supervisor.

45. In or around July 2020, Mr. George asked then-manager Mr. Meyer to set up a meeting between the two of them and Mr. Meyer's then-Supervisor, Director Laura Wright to discuss Mr. George's role on the Substation Monitoring Program.

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

46. Mr. Meyer informed Mr. George that Ms. Wright was reluctant to reassign the Substation Monitoring Program to someone else because it "would seem like retaliation," or words to that effect.

47. From December 2017 to July 2021, Mr. George endured prolonged harassment and discrimination from the Substation & Services Maintenance Engineering Team and then Manager Joseph Meyer.

48. As a result of the harassment and discrimination, Mr. George suffered severe mental distress and began seeing a Psychiatrist and Behavioral Therapist. Mr. George was diagnosed with High Anxiety and Depression.

49. Prior to December 2017, Mr. George did not have High Anxiety nor did he have Depression. In fact, prior to December 2017, Mr. George had never sought psychiatric help.

50. High Anxiety and Depression are disabilities within the meaning of the ADA as they substantially limit certain major life activities, as described in further detail with respect to Mr. George below. Mr. George waives his right to keep his disabilities confidential with respect to his former employer, as they are already known to the Company.

51. During the period of prolonged harassment and discrimination to which he was unlawfully subjected, Mr. George began suffering from panic attacks and nervous breakdowns. In one incident, Mr. George was driving in a parking lot, forgot to put his car in park, and exited the car while it was still in motion. Mr. George had

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to run down the road to catch up to the vehicle and hit the brakes before the moving car hit another parked vehicle.

52. In another incident, Mr. George exited his moving vehicle without engaging the "park" gear, and the car rolled until it hit the garage door.

53. Despite Mr. George's High Anxiety and Depression, he continued to competently perform his job duties at BGE.

54. However, as a result of BGE's harassment and discrimination, Mr. George went on FMLA leave from May 2021 until December 2021. Mr. George attempted to return to work in August 2021, but quickly realized the harassment and discrimination was too impactful on him and, at the direction of his doctor, his medical leave was reinstated until December 2021.

55. Around this time, Mr. George was diagnosed with Adjustment Disorder mixed with Anxiety and Depressed Mood. Mr. George's symptoms included, but were not limited to: anhedonia, depressed mood, amotivation, anxiety, stress/distress, fatigue/anergia, and concentration difficulties.

56. Adjustment Disorder, Anxiety, and Depressed Mood are disabilities within the meaning of the ADA as they substantially limit certain major life activities, as described in further detail with respect to Mr. George above and below. Mr. George waives his right to keep his disabilities confidential with respect to his former employer, as they are already known to the Company.

57. Despite Mr. George's Adjustment Disorder, Anxiety, and Depressed Mood, he continued to competently perform his job duties at BGE.

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58. On or about August 5, 2021, Mr. George disclosed his disabilities to BGE and submitted an ADA accommodation request due to his disabilities and emotional distress resulting from the harassment and discrimination he experienced at work.

59. Because of his disabilities and ongoing serious health conditions, Mr. George went back on FMLA leave from August 2021 through December 2021.

60. When he returned from leave, Mr. George was assigned a new Senior Manager – Kirk Rae. Mr. George was assigned another Project Management role for a fiber deployment program (another program that required no engineering expertise). Mr. Rae is white.

61. Beginning in or around December 2021 and continuing through December 6, 2022, Mr. Rae belittled and harassed Mr. George, much like Mr. Clarke, Mr. Meyer, and others had prior.

62. On or about July 5, 2022, Mr. George filed another complaint with BGE regarding the discrimination and harassment from his coworkers and supervisors. BGE failed to take action to prevent further discrimination and harassment by its employees against Mr. George.

63. For example, on or about July 16, 2022, in a one-on-one mid-year evaluation, Mr. Rae—knowing about Mr. George's disabilities and mental health struggles and complaints about BGE employees' discriminatory and harassing treatment towards Mr. George—mocked Mr. George, his disabilities, and his mental health struggles. Mr. Rae, while smiling, told Mr. George that he should not "let those mental health issues cripple [Mr. George] from doing his job" or words to that effect.

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

Mr. Rae went on to sarcastically and disdainfully remark to Mr. George that maybe he (Mr. Rae) needed sensitivity training.

64. Such comments are discriminatory, harassing, and against BGE policy.[1]

65. After the extremely unsettling conversation with Mr. Rae on or about July 16, 2022, Mr. George reported the incident to HR employee Ivy Tompkins and Operational Health and Safety employee Charmaine Matthews.

66. As a result of the aforementioned discrimination, harassment, retaliation, severe emotional distress, disabilities, and his ongoing serious health conditions, Mr. George, at the direction of his Psychiatrist and Therapist, went on FMLA leave again from the end of July 2022 through November 2022.

67. Mr. George returned to work on November 30, 2022.

68. Mr. George continued to endure harassment and discrimination by his supervisors upon his return from FMLA leave.

69. BGE failed to address and eliminate the discrimination and harassment to which Mr. George was subjected.

70. As a result of the intolerable work environment, Mr. George was constructively discharged from BGE on December 6, 2022.

Harassment and Hostile Work Environment

[1] (*See BGE Statement Affirming Intolerance for Expressions of Hatred, Discrimination and Violence*, Jan. 29, 2021 at https://www.bge.com/News/Pages/Press%20Releases/210109-statement-reaffirming-intolerance-for-expressions-of-hatred-discrimination-violence.aspx).

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

71. The facts demonstrate that the environment BGE created and fostered for Mr. George was incontrovertibly hostile under the law and rife with disparate treatment on the basis of race and disability (discrimination).

72. EEOC guidance describes harassment as unwelcome conduct that is so frequent or severe that it objectively creates a hostile or offensive work environment or results in a negative employment action. *See, e.g., EEOC Glossary for Small Businesses*. [2]

73. Under Title VII, the ADA, and Title 20, an employer is liable for harassment if the person responsible for the harassment can make or recommend employment decisions (e.g. hiring and firing, promotion and demotion, and reassignments) or directs, supervises, or evaluates the work activities of the employee, even if that person does not have the power to make employment decisions. Additionally, an employer can be liable if its own negligence leads to harassment or enables harassment to continue.

74. Here, supervisors Mr. Knotts, Mr. Clarke, Mr. Meyers, and Mr. Rae had hiring and firing power, demoted and reassigned Mr. George, directly supervised Mr. George, and evaluated his work activities.

75. In addition, BGE was on notice of Mr. George's intolerable working conditions as a result of his complaints and others like them. In fact, in April 2022, seven former BGE workers, all of whom are Black, filed a lawsuit against BGE for "perpetuating a deep-seated culture of racism where African American employees

[2] Available at https://www.eeoc.gov/employers/small-business/eeoc-glossary-small-businesses.

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

regularly endured racial slurs [and] discrimination." *See* https://www.baltimoresun.com/business/bs-bz-bge-exelon-racial-discrimination-lawsuit-20220413-fdaqmwsr7fb2lgsiuo7szp42ce-story.html. The lawsuit is currently pending before the Baltimore City Circuit Court (*Kevin Alston, et al. v. Baltimore Gas & Electric Co., et al*, Case No. 24C21002679).

76. As evidenced by the facts above, throughout his tenure at BGE, Mr. George was harassed based on his race and disability and subjected to a hostile work environment on the basis of his race and disability. Derogatory remarks were made about Mr. George, his race, and his disability on numerous occasions over several years, even after repeated complaints. As a result, BGE is liable for its employees' illegal actions.

Disparate Treatment and Constructive Discharge

77. Mr. George can establish a prima facie case of discrimination based on disparate treatment, as he is a member of at least two protected classes on account of his race and disability, he performed at least satisfactorily, he was removed from his position, demoted, harassed, and constructively discharged (all adverse employment actions), and the Company treated him less favorably than his similarly situated white and non-disabled peers.

78. Throughout his employment at the Company, BGE supervisors continuously and repetitively made comments about African American employees in Mr. George's presence and required him to perform Project Management tasks outside of his job description. Such comments and requests were never made to or of

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white and non-disabled employees. The Company's discriminatory animus is further evidenced by the fact that after the Company demoted and transferred Mr. George to a new role, he was replaced by a white employee.

79. Both Maryland and federal law recognize constructive discharge as an adverse employment action, and constructive discharge exists where an "employer has deliberately caused or allowed the employee's working conditions to become so intolerable that a reasonable person in the employee's place would have felt compelled to resign." *Beye v. Bureau of Nat. Affs.*, 59 Md. App. 642, 653, 477 A.2d 1197, 1203 (1984).

80. As described above in detail, Mr. George's working conditions at BGE were unbearable – so unbearable that he developed Adjustment Disorder mixed with Anxiety and Depressed Mood—despite no preexisting mental health history. On numerous occasions, Mr. George reported the harassing and discriminatory behavior to which he was subjected to BGE supervisors. BGE took no action to rectify the harassment and discrimination, instead allowing it to continue and intensify.

81. In the instant case, Mr. George was forced to resign because his working conditions at BGE were so volatile and saturated with unlawful discrimination that they caused him to develop multiple mental health disorders. BGE was on notice of the harassment Mr. George was enduring, as well as the impact that harassment was having on him, and failed to address it. As a result, Mr. George was forced to resign on December 6, 2022.

Retaliation

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82. "To establish a *prima facie* case of discrimination based on retaliation, a plaintiff must produce evidence that []he engaged in a protected activity; h[is] employer took an adverse action against h[im]; and h[is] employer's adverse action was causally connected to h[is] protected activity." *Edgewood Management Corp. v. Jackson*, 212 Md. App. 177, 199 (2013), cert denied, 434 Md. 313 (2013). *See also EEOC Enforcement Guidance on Retaliation and Related Issues* § 1 II. (2016).[3] "An employee's complaint about an employer's allegedly discriminatory conduct, whether through formal or informal grievance procedures, constitutes protected oppositional activity." *Id.* at 201–02. *See also EEOC Enforcement Guidance* § II.A.2.

83. Mr. George indisputably engaged in protected activity on numerous occasions cited above (e.g., repeatedly reporting discriminatory practices to HR, disclosing his disability, and requesting a reasonable accommodation on the basis of disability).

84. BGE retaliated against Mr. George each time he engaged in a protected activity. Mr. George reported discrimination, and he was transferred out of his position and demoted. Mr. George continued to report discrimination, disclosed his disability, and requested accommodation, after which the harassment against him continued and intensified through his constructive discharge.[4] The facts establish a

[3] Available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues.

[4] According to EEOC guidance, retaliation includes any employer action that is "materially adverse." This means any action that might deter a reasonable person from engaging in protected activity and includes—but is not limited to—threats, warnings, reprimands, scrutiny, removing supervisory responsibilities, and engaging in abusive verbal behavior, even if it is not yet "severe or pervasive" as required for a hostile work environment. *See, id.*

DocuSign Envelope ID: E79492D8-3CC2-4F48-A9A2-95DA260A7C5F

causal connection between Mr. George's protected activity and the adverse actions taken against him, given their temporal proximity, at a minimum.

85. In other words, the timing between Mr. George's protected activity, as described herein, and the Company's retaliatory conduct is *prima facie* evidence that any purported reasons the Company may assert for its illegal conduct are pretextual. *See, e.g. Waag v. Sotera Def. Solutions, Inc*., 857 F.3d 179, 192 (4th Cir. 2017) ("[F]or purposes of establishing a *prima facie* case, close temporal proximity between activity protected by statute and an adverse employment action may suffice to demonstrate causation").

CONCLUSION

86. In sum, the facts demonstrate that the Company violated Title VII, the ADA, Title 20, and the Baltimore County Human Rights Law (County Code, Article 29). As a result of the Company's illegal conduct, Mr. George has experienced economic losses, suffered severe mental and emotional distress, and incurred attorneys' fees.

CAUSES OF ACTION

COUNT I

Violation of Title VII of the Civil Rights Act of 1964

42 USC § 2000e et seq.

Discrimination on the Basis of Race and Color

87. Mr. George realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

88. Defendant violated Title VII by subjecting Mr. George to discrimination,

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harassment, and a constructive discharge based on his race and color.

89. Mr. George is a black male, he was subjected to demotions, derogatory comments, harassment, and retaliation based solely on his skin color.

90. No other engineer that worked with Mr. George, that was white, was ever subjected to the same treatment Mr. George was subjected to.

COUNT II

Americans with Disabilities Act of 1990

42 U.S.C. § 2000e-2 *et seq*. and § 2000e-3 *et seq.*

Discrimination on the Basis of Disability

91. Mr. George realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

92. Defendant violated the Americans with Disabilities Act of 1990 by refusing to accommodate Mr. Georges reasonable accommodations and retaliating against Mr. George for requesting accommodations.

93. Mr. George has the right to reasonable accommodations and the right to apply for reasonable accommodations without the threat of retaliation.

94. Mr. George has diagnosed disabilities, to which he requested reasonable accommodations, and the Defendant responded denial of accommodations and retaliation.

COUNT III

Title 20 of Maryland's State Government Article

MD. State Government Code § 20-606 (2022)

Discrimination on the Basis of Race and Color

95. Mr. George realleges and incorporates by reference each and every

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allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

96. Defendant violated Title VII by subjecting Mr. George to discrimination, harassment, and a constructive discharge based on his race and color.

97. Mr. George is a black male, he was subjected to demotions, derogatory comments, harassment, and retaliation based solely on his skin color.

98. No other engineer that worked with Mr. George, that was white, was ever subjected to the same treatment Mr. George was subjected to.

COUNT IV

Baltimore County Human Rights Law

County Code, Article 29

Discrimination on the Basis of Race and Color

99. Mr. George realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as through fully set forth herein.

100. Defendant violated Title VII by subjecting Mr. George to discrimination, harassment, and a constructive discharge based on his race and color.

101. Mr. George is a black male, he was subjected to demotions, derogatory comments, harassment, and retaliation based solely on his skin color.

102. No other engineer that worked with Mr. George, that was white, was ever subjected to the same treatment Mr. George was subjected to.

PRAYER FOR RELIEF

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WHEREFORE, Plaintiff GLENN GEORGE prays that judgment be entered in his favor and against Defendants BALTIMORE GAS AND ELECTRIC COMPANY for compensable damages, plus interest, statutory damages, punitive damages, attorneys' fees, expert witness fees, and his costs of suit, and such other relief as this Court deems just and equitable.

WHEREFORE, Plaintiff GLENN GEORGE prays that the Court order Defendant to 1) cease using euphemisms and derogatory comments for racial and or color ; 2) implement

internal policies and procedures designed to ensure that employees do not run afoul of the anti-discrimination laws of the United States and; 3) cease all activities, employment practices, and internal policies that create a hostile discriminatory environment against colored persons.

DEAMND FOR JURY TRIAL

Plaintiff GLENN GEORGE demands a trial by jury.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

DocuSigned by:
79F19F66899141A...

GLENN GEORGE

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Respectfully Submitted,

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Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 7/9/2024 1:52 PM; Submission: 7/9/2024 1:52 PM
Envelope: 17141758

BLAKE HADEL, 4050 Beach Road, Dundalk, MD 21222 *Plaintiff*, v. KYLEIGH MIDKIFF 2841 Cedarhurst Rd. Finksburg, MD 21048 *Defendant*,	)	IN THE CIRCUIT COURT FOR CAROLL COUNTY CASE NO: C- C-06-CV-24-000259

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, BLAKE HADEL, hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF ACTION

1. On or about July 16, 2024, and July 25, 2023, Defendant, KYLEIGH MIDKIFF (hereinafter "Defendant" or "Ms. Midkiff") made defamatory statements on a public social media page falsely accusing Plaintiff, BLAKE HADEL, (hereinafter "Plaintiff" or "Mr. Hadel") of committing multiple crimes and falsely accuses Mr. Hadel of actions he never engaged in.

2. Ms. Midkiff accused Mr. Hadel of sexually assaulting multiple women, owing thousands of dollars in child support, engaging in unknown illegal or criminal conduct, and signing his legal rights to his children away due to not being able to afford child support on a Facebook public page.

3. Mr. Hadel has never sexually assaulted any woman.

4. Mr. Hadel, at that time and presently, did not owe thousands of dollars of child support.

5. Mr. Hadel has not engaged in criminal activity in or around the time of the defamatory posts.

6. Mr. Hadel did not sign his rights away to his children due to not being able to afford child support.

7. Mr. Hadel seeks an award from this court for compensatory damages, punitive damages, and court costs.

PARTIES

8. Plaintiff, BLAKE HADEL, is a resident of the State of Maryland.

9. Defendant, KYLEIGH MIDKIFF, is a resident of the State of Maryland.

JURISDICTION AND VENUE

10. Jurisdiction is proper pursuant to Md. Code Ann., Code; Jud. Proc. § 1-501 and § 6-102, because Ms. Midkiff resides in Maryland.

11. Venue is proper pursuant to § 6-201 because Ms. Midkiff resides in Carroll County.

FACTS

June 16, 2024, Post

12. On or about June 16, 2024, an unknown person posted a photo of Mr. Hadel with the caption "Blake. Tea or red flag?".

13. The term "Tea" is a synonym for information.

14. The term "red flag" refers to negative information.

15. The unknown author of the post posted Mr. Hadel's photo to ask the Facebook group "Are We Dating The Same Guy? /Baltimore/Columbia/Maryland" if other members knew anything negative or positive about Mr. Hadel.

28. Ms. Midkiff statement is patently false.

29. Ms. Midkiff does not have first-hand knowledge of Mr. Hadel's legal custody matters.

30. Ms. Midkiff directly states Mr. Hadel is "disguising excuse for a human being". Ms. Midkiff is showing her hatred of Mr. Hadel, whom she barely knows and has had little to no actual interactions with.

31. Ms. Midkiff's accusation that Mr. Hadel would sign his legal rights to his children away because he couldn't afford child support, is accusing Mr. Hadel of an action considered to be of moral turpitude.

July 25, 2023, Post

32. On or about July 25, 2023, another unknown person posted a photo of Mr. Hadel with the caption "Blake. Tea or red flag?".

33. The term "Tea" is a synonym for information.

34. The term "red flag" refers to negative information.

35. The unknown author of the post posted Mr. Hadel's photo to ask the Facebook group "Are We Dating The Same Guy? /Baltimore/Columbia/Maryland" if other members knew anything negative or positive about Mr. Hadel.

36. Ms. Midkiff commented on the unknown persons post regarding Mr. Hadel, "[Mr. Hadel] his ass owes thousands of dollars in child support. The next picture that gets posted of him will be a mugshot."

37. Mr. Hadel, at that time and presently, did not owe thousands of dollars in child support.

38. Ms. Midkiff stated, as fact, that Mr. Hadel owed thousands of dollars in back child support.

39. Ms. Midkiff's statement was one of fact, not opinion.

40. Ms. Midkiff's statement is patently false.

41. Ms. Midkiff does not have first-hand knowledge of Mr. Hadel's custody and financial information.

42. Ms. Midkiff's statements could have led to criminal prosecution of Mr. Hadel, with punishment of up to and including imprisonment.

43. Ms. Midkiff also accuses Mr. Hadel, in the above referenced post, of actively engaging in criminal conduct.

44. Ms. Midkiff specifically stated that "the next post will be his [Mr. Hadel] mug shot". That statement can only be interpreted as Ms. Midkiff asserting, she knows Mr. Hadel is actively engaging in criminal conduct that will lead to his arrest.

45. Ms. Midkiff stated as fact, that Mr. Hadel was going to be arrested and his mug shot will be posted on the group.

46. Ms. Midkiff's statement is one of fact, not opinion.

47. Ms. Midkiff's statement is patently false.

48. Ms. Midkiff has no first-hand knowledge of Mr. Hadel's actions and what he does in his personal time.

49. Ms. Midkiff is directly accusing Mr. Hadel of engaging in unknown illegal activity and criminal conduct.

50. Ms. Midkiff directly states Mr. Hadel mug shot will be posted, obviously alluding to the fact the unknown illegal activity Mr. Hadel is conducting will result in Mr. Hadel being imprisoned.

Ms. Midkiff's Knowledge and Interaction with Mr. Hadel

51. Ms. Midkiff only knows of Mr. Hadel through her close friend Meghan Maggio (hereinafter "Ms. Maggio").

52. Ms. Maggio is the mother of Mr. Hadel's daughter.

53. Ms. Midkiff and Ms. Maggio have been close friends for the past two (2) years.

54. Ms. Maggio has known and closely interacted with Mr. Hadel for the past four (4) years.

55. Ms. Midkiff has only spoken to Mr. Hadel on two or three occasions, where nothing personal about Mr. Hadel's life was ever discussed.

56. All Ms. Midkiff's information and knowledge of Mr. Hadel comes directly from Ms. Maggio.

57. Ms. Maggio has an extensive and documented history of stalking, harassing, and tormenting Mr. Hadel due to Mr. Hadel refusing to be in a romantic relationship with her.

58. Mr. Hadel has filed to gain a protective order against Ms. Maggio multiple times due to her constant and relentless harassment and stalking of Mr. Hadel.

59. Ms. Maggio also has a documented history of encouraging and/or colluding with her friends to post about Mr. Hadel in a negative light, harass and stalk Mr. Hadel, and harass and stalk Mr. Hadel's friends and family in an attempt to intimidated Mr. Hadel's and everyone in Mr. Hadel's life.

60. On one recent occasion, Ms. Maggio colluded with Ms. Midkiff to cyber stalk one of Mr. Hadel's attorneys so that Ms. Maggio could stalk whom she believed was behind Mr. Hadel filing to reopen their custody dispute and/or filing legal actions against Ms. Maggio.

61. Ms. Maggio's stalking and harassment of Mr. Hadel and his loved ones has been ongoing since 2021, Ms. Midkiff's collusion with Ms. Maggio to stalk and harass Mr. Hadel and his loved ones has been ongoing since 2022.

62. Regarding the defamatory posts, in the public Facebook group where Ms. Midkiff commented her defamatory statements are within a group that Ms. Maggio has been banned from for violating the groups rules.

63. After Ms. Maggio was banned from the group, she colluded with Ms. Midkiff to have Ms. Midkiff comment and post defamatory statements regarding Mr. Hadel to further Ms. Maggio's goal of intimidating everyone in Mr. Hadel's life.

64. It is unknown what Ms. Maggio has stated to Ms. Midkiff regarding Mr. Hadel, but Ms. Midkiff has done nothing to verify anything Ms. Maggio has told her nor has Ms. Midkiff made any attempts to determine if what she posts on behalf of Ms. Maggio were truthful or not.

65. As with Ms. Maggio, Ms. Midkiff has a blatant indifference to the validity and truthfulness of her statements regarding Mr. Hadel, Ms. Midkiff's sole intention was to defame Mr. Hadel in any means she deemed necessary to further Ms. Maggio goal of harassing and tormenting Mr. Hadel.

66. On one occasion in late 2023 and early 2024, Ms. Midkiff was present for the Protective Order Hearing and Appeal Hearing where Meghan Maggio was the respondent and Mr. Hadel was the petitioner.

67. Ms. Midkiff accompanied Ms. Maggio to the hearing, not because she was directly involved, but to show her support for her friend.

68. Ms. Midkiff has shown her loyalty to Ms. Maggio, in regard to defaming Mr. Hadel, throughout the last year or so. Ms. Midkiff has been ready and willing to do whatever Ms. Maggio believes is necessary to harm Mr. Hadel's reputation.

69. Since Ms. Midkiff has been friends with Ms. Maggio, she has had almost no direct interactions with Mr. Hadel to where she would know Mr. Hadel's personal romantic life, his financial status, or his intentions on why he behaves the way he does.

70. Ms. Midkiff has no social or direct connections to Mr. Hadel, except through Ms. Maggio.

71. Ms. Maggio has shown that she resents Mr. Hadel for not being in a romantic relationship with her, and that she will go to any lengths, legal or illegal, to punish Mr. Hadel.

72. Ms. Midkiff has shown she is willing to hate Mr. Hadel with Ms. Maggio, even though she has no first-hand experience with Mr. Hadel. Ms. Midkiff is more than willing to believe anything she is told regarding Mr. Hadel, without any verification, and then in turn spread those defamatory assertions without care.

Mr. Hadel's Background Regarding the Defamatory statements.

73. Mr. Hadel is an average late twenties early thirties single man. Mr. Hadel has a reputation of being a competent businessman and an overall socially active person in the community.

74. Mr. Hadel is not a person that would ever sexually assault/abuse or attack any women in a sexual manor.

75. Mr. Hadel does not have a criminal record, or any record of sexually assaulting/abusing anyone.

76. Mr. Hadel is a respected person in his community and does not have a reputation for sexually attacking anyone.

77. Mr. Hadel understands the importance of consent and fully respects a women's right to say no and be heard.

78. Mr. Hadel has never been indicted, charged, or found guilty/liable for sexual assault/abuse.

79. Accusing Mr. Hadel of sexual assault/abuse to thousands of women not only defames Mr. Hadel's personal reputation but also his professional reputation since he is a small business owner.

80. Mr. Hadel never signed his legal rights to his children away due to not being able to afford the child support payments.

81. Mr. Hadel did in fact sign away his legal rights to his two (2) children, but he did not do so due to not being able to afford child support.

82. Mr. Hadel had been engaged in ongoing custody disputes with both the mothers of his children, where no ending was in sight.

83. Mr. Hadel filed reopen both his custody disputes in later 2023 and early 2024, to attempt at resolving the custody disputes.

84. In both custody disputes, the mothers requested that Mr. Hadel sign his legal rights away to his children to close the custody disputes for good.

85. Mr. Hadel agreed to sign his rights away to his children because both he and the mothers believed that that would be in the best interest of the minor children.

86. Within both Mr. Hadel's petitions he filed in late 2023 and early 2024, he stated the reasoning for reopening the custody matters was to gain shared custody of the minor children.

87. It was only when both mothers, including Ms. Maggio, requested Mr. Hadel to sign his rights away, did he elect to do so.

88. Within Mr. Hadel's custody dispute with Ms. Maggio, Ms. Maggio was the party to bring up Mr. Hadel signing his legal rights away, and she did so so that Mr. Hadel would dismiss an unrelated civil action against her.

89. Mr. Hadel did have trouble always keeping up with his child support payments, due to mainly Ms. Maggio gaining unreasonably high child support against him, but Mr. Hadel was able to afford reasonable child support.

90. Mr. Hadel intended on reevaluating child support when he field to re-open both his custody matters so that he could afford his child support.

91. Mr. Hadel never stated he could not afford child support as a whole, just that he could not afford the unreasonably high child support Ms. Maggio gained against him.

92. Again, Ms. Maggio may have informed Ms. Midkiff Mr. Hadel signed his legal rights to his children away due to not affording child support, but Ms. Midkiff did nothing to verify the truthfulness of that accusation and chose to post that defamatory remark to a public Facebook page without any verification.

93. Mr. Hadel was never behind on child support payments by thousands of dollars.

94. Mr. Hadel was court ordered to pay child support for both his children.

95. The child support for his son was a reasonable amount consented to by both him and the mother, but the child support for his daughter, with Ms. Maggio, was unreasonably high.

96. Mr. Hadel did struggle at some points to keep up with his child support, but at no point did he owe thousands of dollars due to a blatant disregard for the obligation.

97. For Mr. Hadel's daughter with Ms. Maggio, he was not even aware of the child support obligation until almost two (2) months after the order was put into effect due to Ms. Maggio deceiving Mr. Hadel. Ms. Maggio was well aware Mr. Hadel was unaware of his child support obligations for some time, yet still asserted he was not paying due to a blatant disregard for the obligation.

98. Again, Ms. Midkiff took Ms. Maggio on her word that Mr. Hadel owed thousands of dollars in back child support without doing anything to verify the truthfulness of Ms. Maggio's assertions before posting her defamatory statement.

99. Ms. Midkiff has shown she either has a complete and utter malicious disregard for the truth or knows her statements are patently false and maliciously posts them anyways in furtherance of her collusion with Ms. Maggio to ruin Mr. Hadel's reputation and character to the public.

100. Ms. Midkiff has commented on every post regarding Mr. Hadel, and every one of her comments contain a defamatory statement regarding Mr. Hadel.

101. Ms. Midkiff has no regard for the damage her defamatory comments can and have caused to Mr. Hadel, and she has shown she will continue to defame Mr. Hadel if she is not held to the consequences of her actions.

102. Ms. Midkiff does not believe there are any consequences for posting endless defamatory statements regarding Mr. Hadel.

103. Ms. Midkiff not only comments her defamatory statements but she interreacts with other people commenting and viewing so that they are aware of her defamatory accusation against Mr. Hadel.

104. Ms. Midkiff has shown through her defamatory comments, she harbors a blind hatred of Mr. Hadel, a person she barely even knows or has ever interacted with and will continue to defame Mr. Hadel's reputation and character to further her blind hatred of Mr. Hadel.

105. There is no doubt Ms. Midkiff will continue to defame Mr. Hadel's character and reputation to the public, as she has made defamatory comments spanning over a year.

CAUSES OF ACTION

COUNT I

Maryland Common Law Tort

Libel Per Se

106. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 105 of this Complaint with the same effect as through fully set forth herein.

107. Ms. Midkiff posted defamatory statement regarding Mr. Hadel sexually assaulting/abusing multiple women on a public Facebook page which has thousands of members, not including Mr. Hadel.

108. Ms. Midkiff's defamatory statement regarding Mr. Hadel sexually assaulting/abusing women is patently false.

109. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel sexually assaulting/abusing

multiple women came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

110. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

111. Ms. Midkiff's comment regarding Mr. Hadel sexually assaulting/abusing multiple women is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

112. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT II

Maryland Common Law Tort

Libel Per Se

113. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 112 of this Complaint with the same effect as through fully set forth herein.

114. Ms. Midkiff posted defamatory statement regarding Mr. Hadel owing thousands of dollars in child support on a public Facebook page which has thousands of members, not including Mr. Hadel.

115. Ms. Midkiff's defamatory statement regarding Mr. Hadel owing thousands of dollars in child support is patently false.

116. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel owing thousands of dollars in child support came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

117. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

118. Ms. Midkiff's comment regarding Mr. Hadel owing thousands of dollars in child support is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

119. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT III

Maryland Common Law Tort

Libel Per Se

120. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 119 of this Complaint with the same effect as through fully set forth herein.

121. Ms. Midkiff posted defamatory statement regarding Mr. Hadel signing away his legal rights to his children on a public Facebook page which has thousands of members, not including Mr. Hadel.

122. Ms. Midkiff's defamatory statement regarding Mr. Hadel signing away his legal rights to his children is patently false.

123. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel signing away his legal rights to his children came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

124. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

125. Ms. Midkiff's comment regarding Mr. Hadel signing away his legal rights to his children is an accusation of moral turpitude.

126. A false accusation of moral turpitude is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT IV

Maryland Common Law Tort

Libel Per Se

127. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 126 of this Complaint with the same effect as through fully set forth herein.

128. Ms. Midkiff posted defamatory statement regarding Mr. Hadel engaging in unknown illegal and criminal activity on a public Facebook page which has thousands of members, not including Mr. Hadel.

129. Ms. Midkiff's defamatory statement regarding Mr. Hadel engaging in unknown illegal and criminal activity is patently false.

130. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel engaging in unknown illegal and criminal activity came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

131. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

132. Ms. Midkiff's comment regarding Mr. Hadel engaging in unknown illegal and criminal activity is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

133. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff BLAKE HADEL prays that judgment be entered in his favor and against Defendant KYLEIGH MIDKIFF, for compensatory damages, punitive damages, court costs and such other relief as this Court deems just and equitable.

DEAMND FOR JURY TRIAL

Plaintiff BLAKE HADEL demands a jury trial pursuant to Maryland Rule 2-235.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Blake Hadel
4050 Beach Rd.
Dundalk MD, 21222
Pro Se Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Blake Hadel

Pro Se Plaintiff

BLAKE HADEL,	*	IN THE CIRCUIT COURT
4050 Beach Road	*	FOR
Dundalk, MD 21222	*	CARROLL COUNTY
Plaintiff	*	
	*	
V.	*	
KYLEIGH MIDKIFF,	*	
2841 Cedarhurst Road	*	
Finksburg, MD 21048	*	
	*	
Defendant	*	Case No.: C-06-CV-24-000259
	*	

MOTION TO DISMISS PLANTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes Defendant, KYLEIGH MIDKIFF, pro se, hereby files this respectfully requesting this Honorable Court to DISMISS, pursuant to Maryland Rule 2-322 (b), the Complaint and Demand for Jury Trial to which requests that this Honorable Court. In support of her Motion to Dismiss, Defendant states as follows:

1. On July 9th, 2024, Plaintiff, BLAKE HADEL, filed a Complaint in the above-captioned matter, requesting that this court have a jury trial for compensatory damages, punitive damages, court costs, and such other relief be given based off defamatory statements.
2. The request that this Honorable Court have a jury trial be dismissed pursuant to Md. Rule 2-322(b) for failure to state a claim upon which relief can be granted.
3. Specifically, Plaintiff has failed to allege damages that have been done as well as state an actual defamatory statement that was published on a public forum.
4. Plaintiff has failed to state present dates on these allegations of defamatory statements published on a public forum.
5. The attached Memorandum of Facts and Law is incorporated by reference, pursuant to Md. Rule 2-322 (b).

FILED AUG 5 2024

REQUEST FOR HEARING

Defendant respectfully request a hearing on the foregoing Motion to Dismiss, pursuant to Md. Rule 2-322(b)

WHEREFORE, Defendant respectfully requests this Honorable Court:

A. Grant the foregoing Motion to Dismiss Defendants claim
B. Dismiss the Plaintiffs Complaint for Jury Trial
C. Grant any other relief for the Defendant at this time

Respectfully Submitted,

Kyleigh Midkiff

July 29, 2024

Kyleigh Midkiff, Defendant

2841 Cedarhurst Road

Finksburg, MD 21048

Exhibit 1

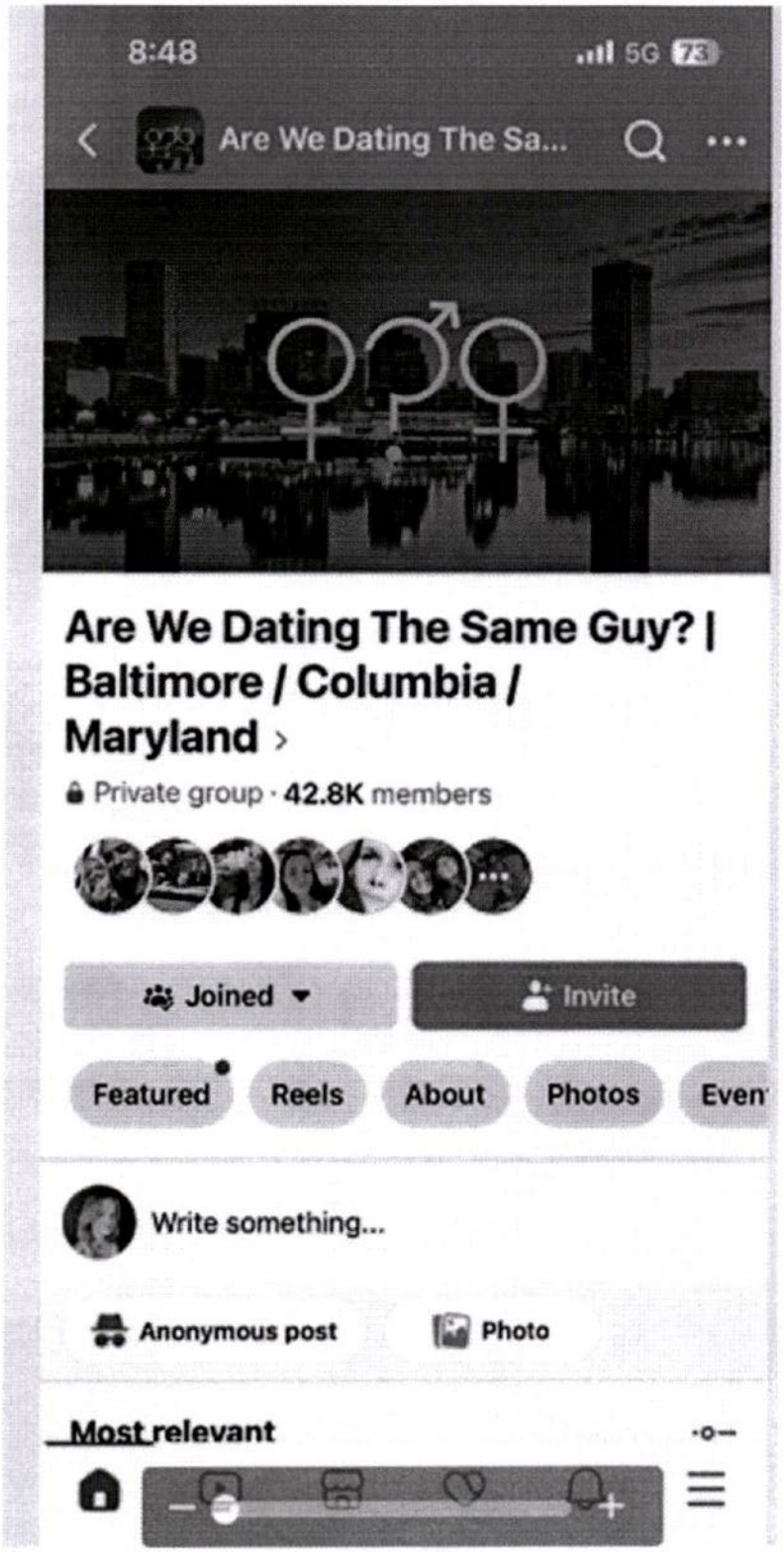

8:48
5G
Are We Dating The Sa...
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland ›
Private group · 42.8K members
Joined
Invite
Featured
Reels
About
Photos
Even
Write something...
Anonymous post
Photo
Most relevant

Exhibit 2

6:41
Photo
Done
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Group member · 8h ·
Veronica Valle
haha i just saw him out tonight. he was with a lady. he knows me and she was not happy we acknowledged each other
7h Like Reply 1
Abby Siever
Sent me wayyy too many unsolicited 🍆 pics. Had to block lol
1h Like Reply
Abby Siever
He had my friend on his boat last summer and told her she could put her expensive sandal heels in a "safe place".. then he wouldn't give them back? said she had to sleep with him if she wanted her shoes back lmfao. He also has a kid which is fine but he talks quite disrespectfully about the mom.
1h Like Reply
Joy Drew
Abby Siever talking disrespectfully about an ex is always a red flag IMO.
1h Like Reply
Abby Siever
Joy Drew agreed!!!
1h Like Reply

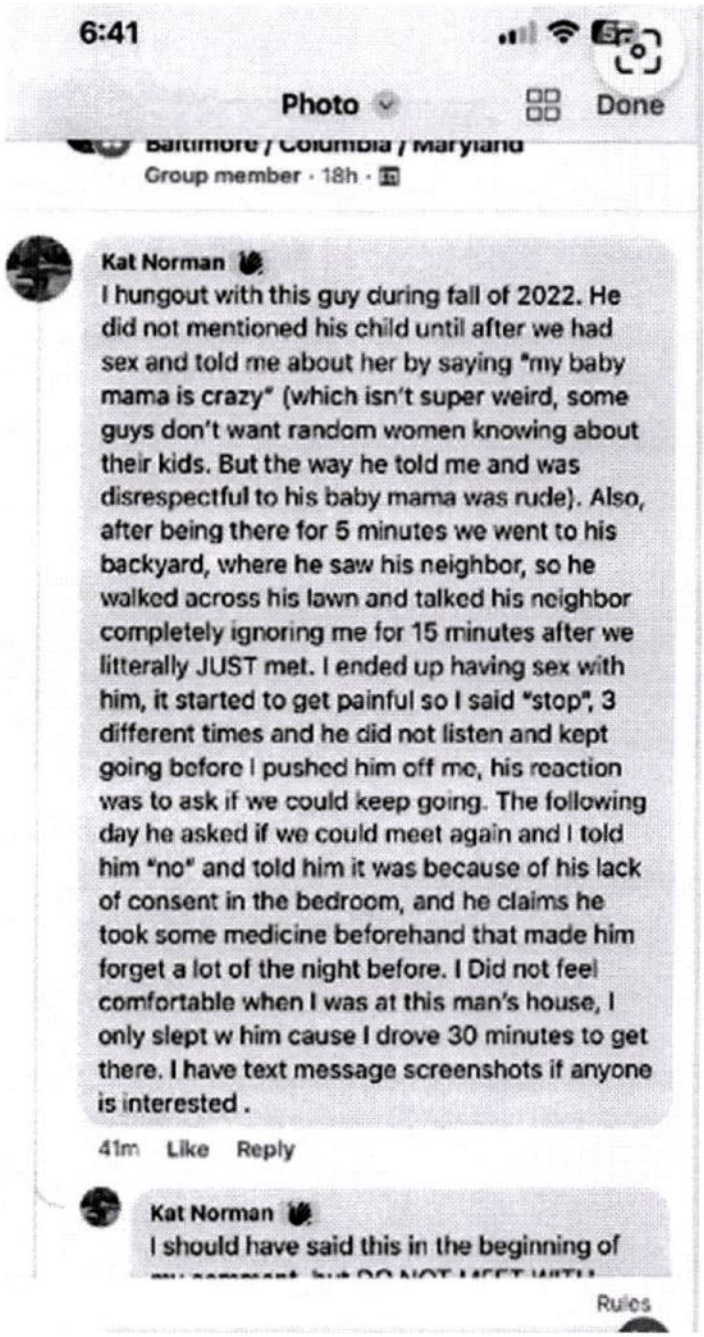
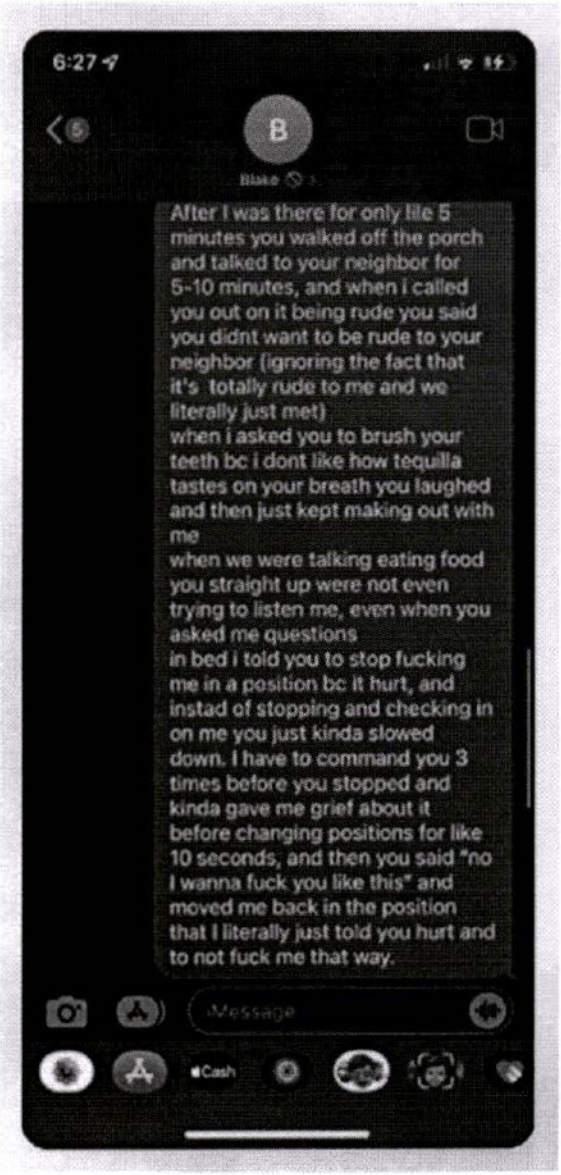

6:41
Photo
Done
Baltimore / Columbia / Maryland
Group member · 18h ·
Kat Norman
I hungout with this guy during fall of 2022. He did not mentioned his child until after we had sex and told me about her by saying "my baby mama is crazy" (which isn't super weird, some guys don't want random women knowing about their kids. But the way he told me and was disrespectful to his baby mama was rude). Also, after being there for 5 minutes we went to his backyard, where he saw his neighbor, so he walked across his lawn and talked his neighbor completely ignoring me for 15 minutes after we litterally JUST met. I ended up having sex with him, it started to get painful so I said "stop", 3 different times and he did not listen and kept going before I pushed him off me, his reaction was to ask if we could keep going. The following day he asked if we could meet again and I told him "no" and told him it was because of his lack of consent in the bedroom, and he claims he took some medicine beforehand that made him forget a lot of the night before. I Did not feel comfortable when I was at this man's house, I only slept w him cause I drove 30 minutes to get there. I have text message screenshots if anyone is interested .
41m Like Reply
Kat Norman
I should have said this in the beginning of
Rules

Exhibit 3


6:27
B
Blake
After I was there for only like 5 minutes you walked off the porch and talked to your neighbor for 5-10 minutes, and when i called you out on it being rude you said you didnt want to be rude to your neighbor (ignoring the fact that it's totally rude to me and we literally just met)
when i asked you to brush your teeth bc i dont like how tequilla tastes on your breath you laughed and then just kept making out with me
when we were talking eating food you straight up were not even trying to listen me, even when you asked me questions
in bed i told you to stop fucking me in a position bc it hurt, and instad of stopping and checking in on me you just kinda slowed down. I have to command you 3 times before you stopped and kinda gave me grief about it before changing positions for like 10 seconds, and then you said "no I wanna fuck you like this" and moved me back in the position that I literally just told you hurt and to not fuck me that way.
iMessage
Cash

6:27
B
Blake
I'm sorry I thought you were joking about tequilla
Fr what way do you like? I probably shouldn't have drank and took my medication together it makes me forget stuff
I feel bad sorry
Yeah probably.... you also should probably actually listen when people speak and take people more seriously the first time they tell you something.
And I mean, you should feel bad, you were disrespectful and made me feel uncomfortable. Im not saying that just to be a dick, but so that you're aware when the next girl comes over, I don't want her to suffer the same fate I did
Appreciate the advice
Understandable for the first time usually people are more understanding
iMessage
Cash

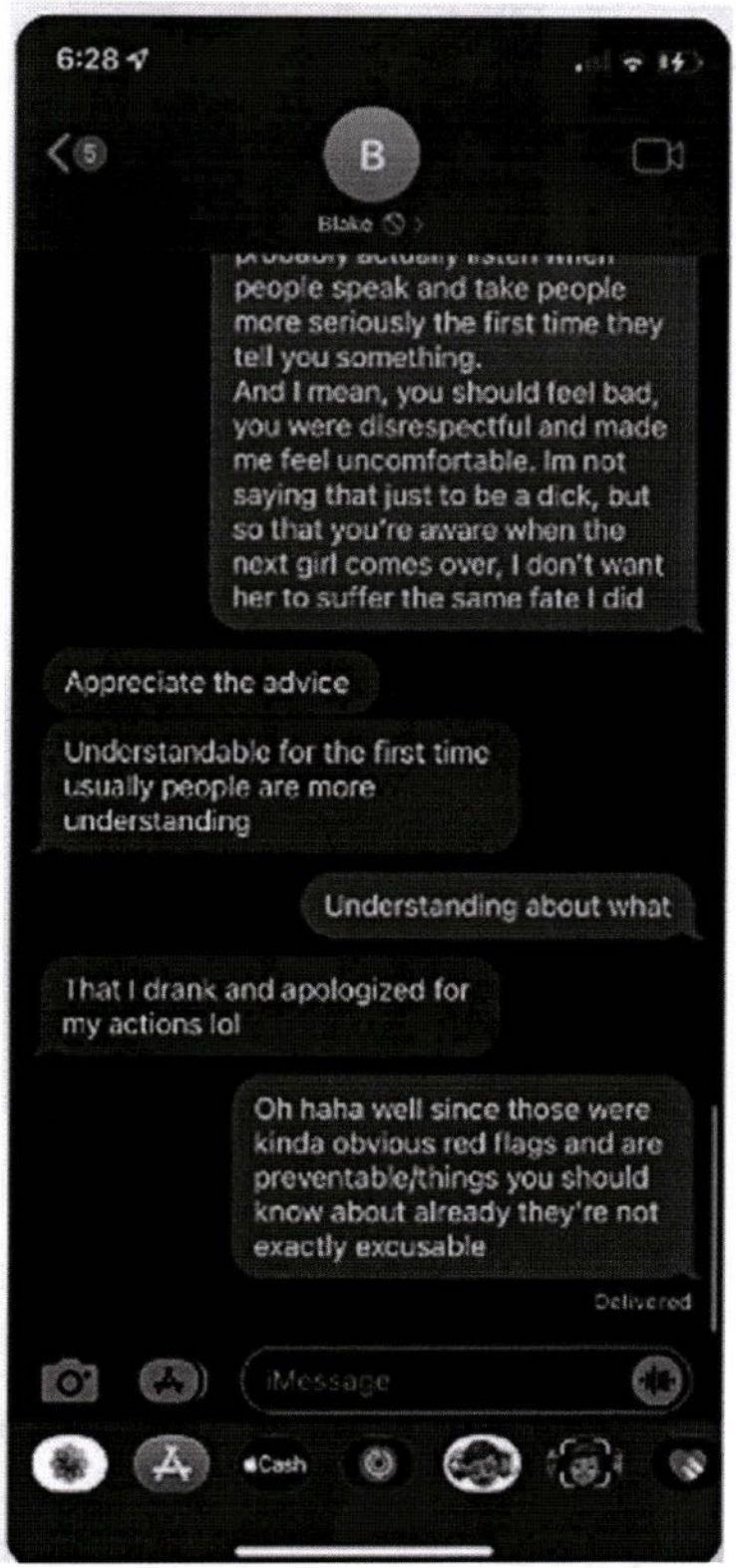

6:28
B
Blake
people speak and take people more seriously the first time they tell you something.
And I mean, you should feel bad, you were disrespectful and made me feel uncomfortable. Im not saying that just to be a dick, but so that you're aware when the next girl comes over, I don't want her to suffer the same fate I did
Appreciate the advice
Understandable for the first time usually people are more understanding
Understanding about what
That I drank and apologized for my actions lol
Oh haha well since those were kinda obvious red flags and are preventable/things you should know about already they're not exactly excusable
Delivered
iMessage
Cash

Exhibit 4

E-SERVED Baltimore County Circuit Court 5/13/2024 10:02 AM System SystemEnvelope:16414508
E-FILED; Baltimore County Circuit Court
Envelope: 16414508

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
BLAKE HADEL	*	CASE NO.: C-03-FM-22-005009
Defendant	*	

* * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Defendant, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Plaintiff, Meghan Maggio, by and through her attorney, W. Bradley Bauholf, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Sofia Lynn Hadel, born March 11, 2021.

2. That prior hereto the Defendant filed his Petition to Modify Child Custody, and thereafter the Plaintiff retained counsel and filed responsive pleadings.

3. That the Plaintiff, through her attorney, entered into negotiations and discussions with Defendant's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Defendant has elected to terminate his parental rights with the minor child. Both Parties believe that the same is in the best interest of the child.

5. That Defendant covenants and agrees that he will execute the appropriate Consent to Adoption when/if he is called upon to do so.

6. That Defendant covenants and agrees that he will execute the appropriate Consent to Name Change for the minor child when/if called upon to do so.

7. That Defendant is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the

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minor child.

8. That Plaintiff understands and agrees that in consideration of Defendant terminating his parental rights, his responsibilities to pay child support are hereby terminated.

9. That Plaintiff has stipulated that she will not deny access and/or visitation to the Defendant's mother, Brenda Hopka-Hadel, the minor child's biological paternal grandmother.

10. That Defendant will continue to carry the minor child on his health insurance until January 2025 when the Plaintiff can transfer the minor child to her health insurance.

11. Both parties have agreed that in the entry of this Order, that Defendant will dismiss his Civil suit, No. C-13-CV-24-000309, against Plaintiff.

12. Under the circumstances set forth above, the Defendant hereby requests that his Petition be docketed as voluntarily be dismissed.

13. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

05/10/2024

05/13/2024 12:17:18 PM

Date Entered: Clerk, Circuit Court for Baltimore County, MD
May 13, 2024

JUDGE
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

Blake Hadel

Sarah Spitalnick, Esquire
CPF: 2311290
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
484-332-0454
sarahspitalnickesq@gmail.com
Attorney for Defendant

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Exhibit 5

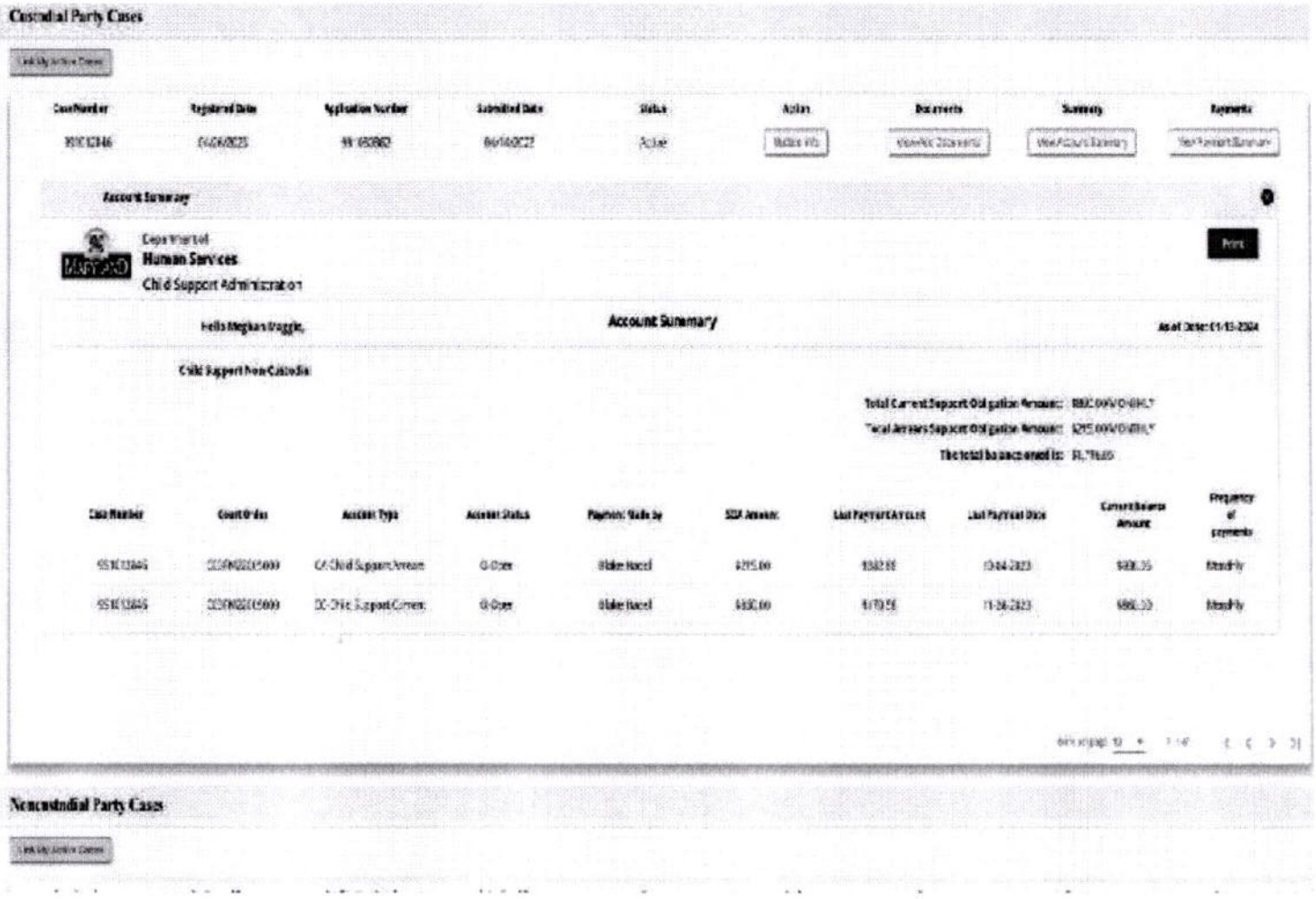
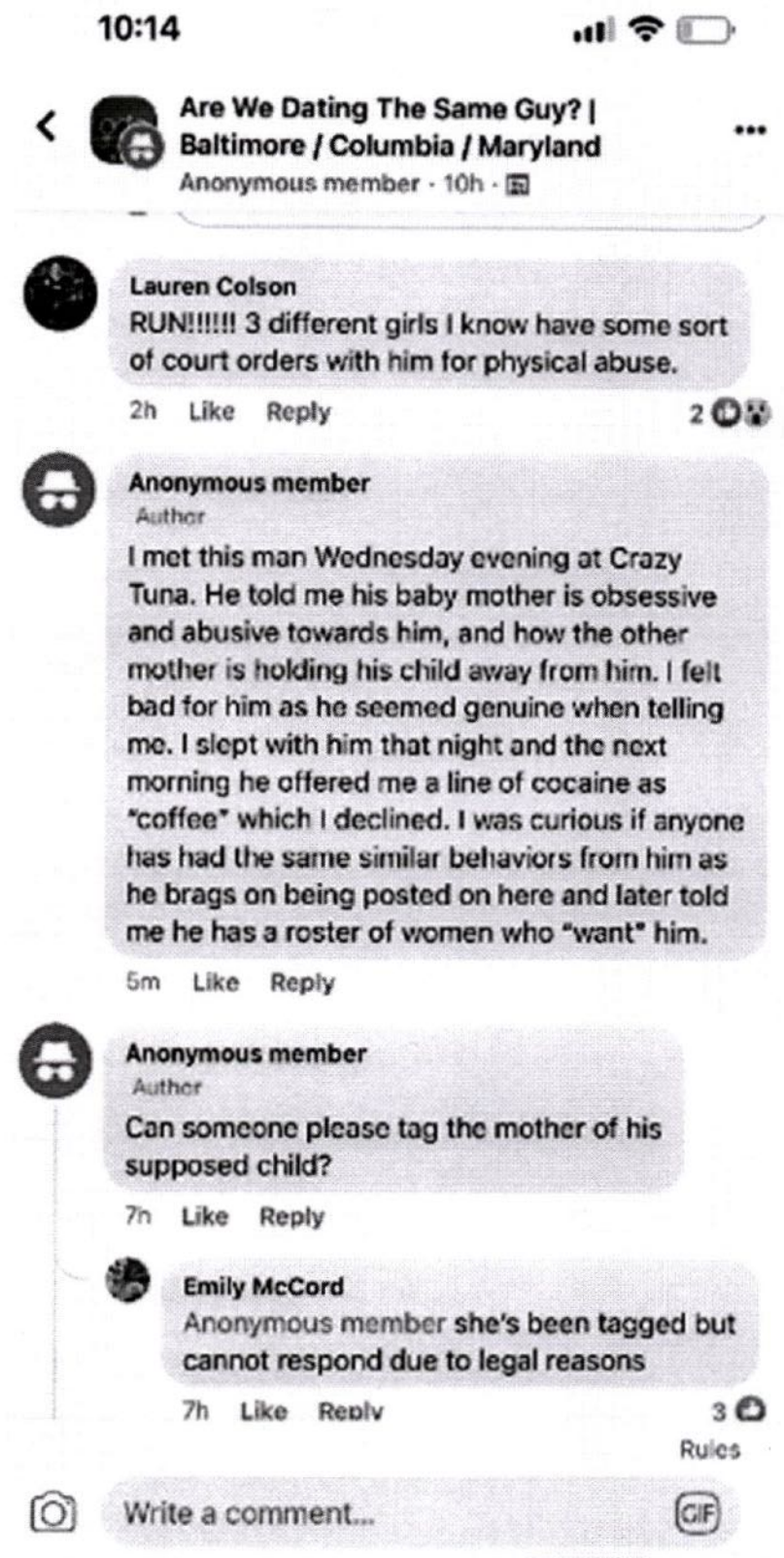
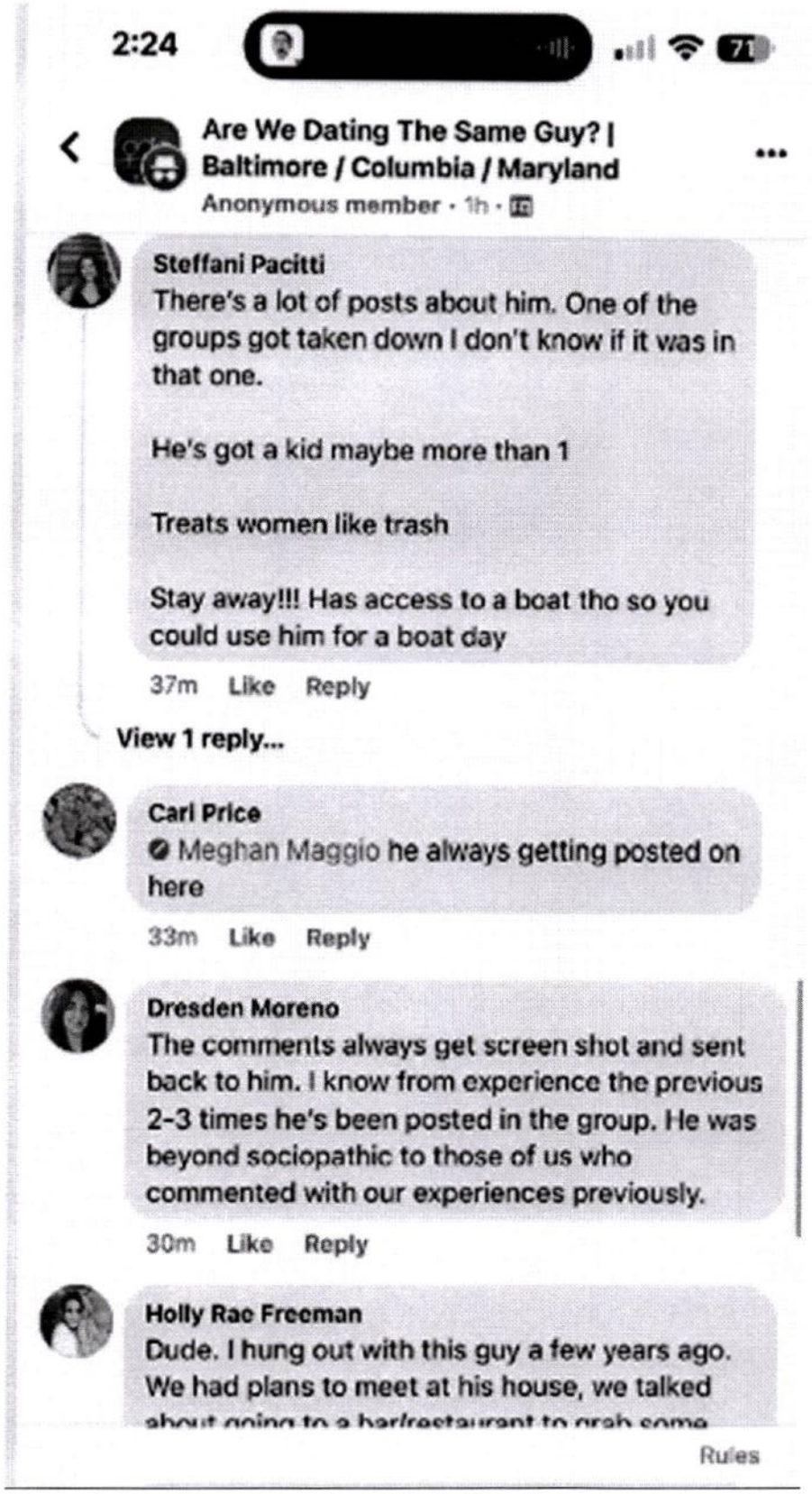

Custodial Party Cases
Case Number
Registered Date
Application Number
Submitted Date
Status
Action
Documents
Summary
Payments
Active
Account Summary
Department of
Human Services
Child Support Administration
Print
Hello Meghan Waggle,
Account Summary
As of Date: 01-15-2024
Child Support Non Custodial
Total Current Support Obligation Amount:
Total Arrears Support Obligation Amount:
The total balance owed is:
Case Number
Court Order
Account Type
Account Status
Payment Made by
SSP Amount
Last Payment Amount
Last Payment Date
Current Balance Amount
Frequency of Payments
CA-Child Support Arrears
O-Open
Blake Hazel
4215.00
10-04-2023
Monthly
CC-Child Support Current
O-Open
Blake Hazel
11-06-2023
Monthly
Items per page: 10
1 - 2 of 2
Noncustodial Party Cases

Exhibit 6


10:14
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 10h ·
Lauren Colson
RUN!!!!!! 3 different girls I know have some sort of court orders with him for physical abuse.
2h Like Reply 2
Anonymous member
Author
I met this man Wednesday evening at Crazy Tuna. He told me his baby mother is obsessive and abusive towards him, and how the other mother is holding his child away from him. I felt bad for him as he seemed genuine when telling me. I slept with him that night and the next morning he offered me a line of cocaine as "coffee" which I declined. I was curious if anyone has had the same similar behaviors from him as he brags on being posted on here and later told me he has a roster of women who "want" him.
5m Like Reply
Anonymous member
Author
Can someone please tag the mother of his supposed child?
7h Like Reply
Emily McCord
Anonymous member she's been tagged but cannot respond due to legal reasons
7h Like Reply 3
Rules
Write a comment...
GIF


2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
Steffani Pacitti
There's a lot of posts about him. One of the groups got taken down I don't know if it was in that one.
He's got a kid maybe more than 1
Treats women like trash
Stay away!!! Has access to a boat tho so you could use him for a boat day
37m Like Reply
View 1 reply...
Carl Price
Meghan Maggio he always getting posted on here
33m Like Reply
Dresden Moreno
The comments always get screen shot and sent back to him. I know from experience the previous 2-3 times he's been posted in the group. He was beyond sociopathic to those of us who commented with our experiences previously.
30m Like Reply
Holly Rae Freeman
Dude. I hung out with this guy a few years ago. We had plans to meet at his house, we talked
Rules

2:24

Are We Dating The Same Guy? | Baltimore / Columbia / Maryland

Anonymous member · 1h ·

We had plans to meet at his house, we talked about going to a bar/restaurant to grab some drinks. I get there. Has no plans made for us. I make plans then cuz wtf I just drove almost an hour to see him in Dunkirk (should have known first hand that was the first red flag) We stop the store to grab some food and drink items for the house.
He THEN tries to grab my ass when we get back to the house, I snap at him to not touch me he goes "what it's mine" like no dude I just met you... anyways then goes into his room and lays down in his bed like he's waiting for me to lay down with him.... I'm like... uhhh yeah I gotta go and dipped out then blocked him.
Walking, talking red flag.
He is not a gentleman by ANY means. He is a certified CREEP and is socially... See more

16m Like Reply

Emily McCord
here we go again

RUN!

2m Like Reply

Emily McCord
he royally destroyed one of my best friends lives. RUN!!!!!! i cannot comment further details bc of continuing court issues.

Just now Like Reply

2:24

Are We Dating The Same Guy? | Baltimore / Columbia / Maryland

Anonymous member · 1h ·

Mindi Shirey
Blake Hadel is known for just hooking up with woman and moving onto the next

1h Like Reply 2

Danielle McLain
Literally search his name. You'll find all you need to know.

1h Like Reply 2

View 1 reply...

Brittany Anderson

1h Like Reply 1

View 1 reply...

Carlea Lates

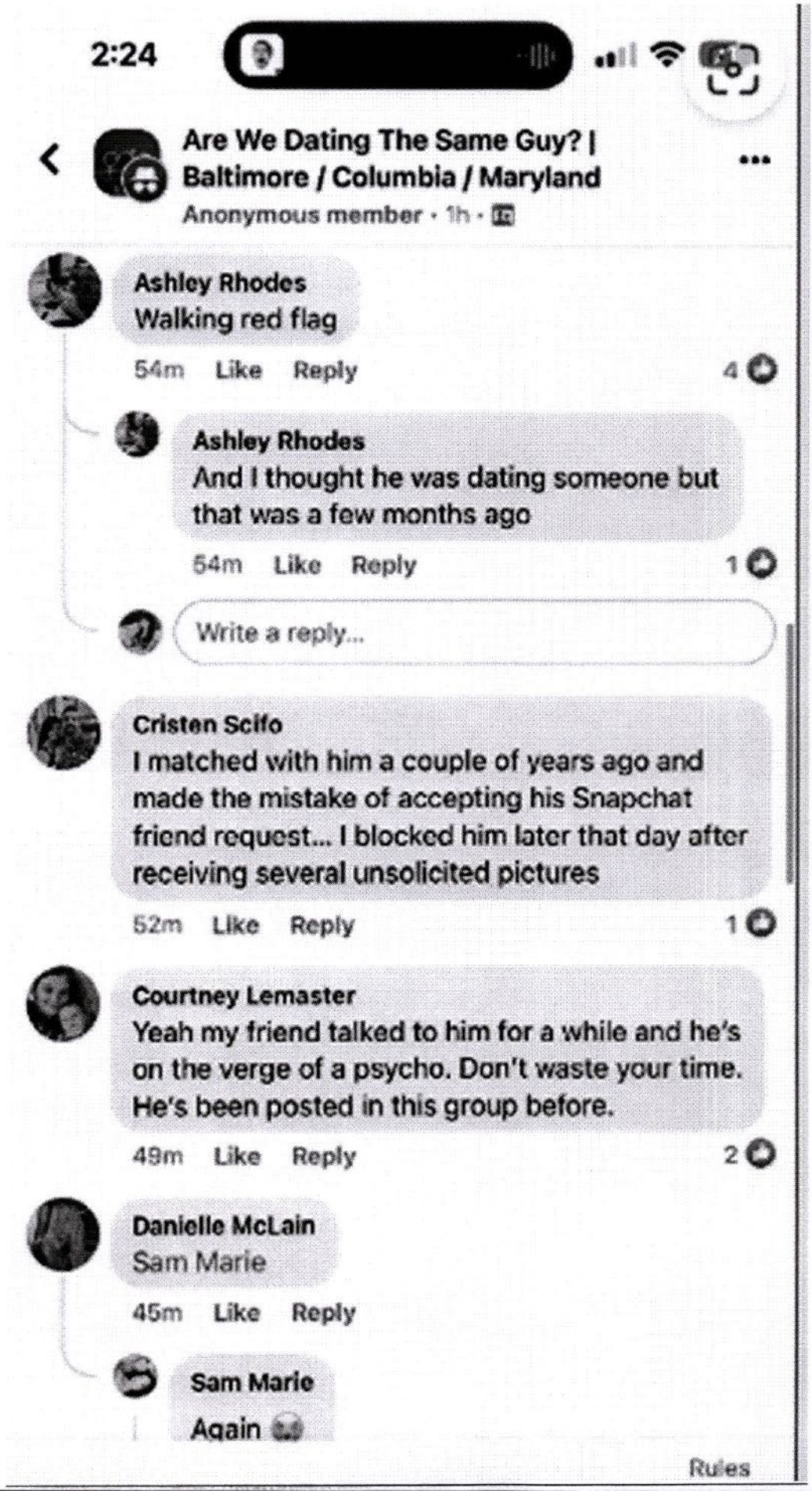
58m Like Reply 1

Jordyn Collins
He is a big walking red flag lol I never been with him but girls I know have....

54m Like Reply 2

Write a reply...

Ashley Rhodes


2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
Ashley Rhodes
Walking red flag
54m Like Reply 4
Ashley Rhodes
And I thought he was dating someone but that was a few months ago
54m Like Reply 1
Write a reply...
Cristen Scifo
I matched with him a couple of years ago and made the mistake of accepting his Snapchat friend request... I blocked him later that day after receiving several unsolicited pictures
52m Like Reply 1
Courtney Lemaster
Yeah my friend talked to him for a while and he's on the verge of a psycho. Don't waste your time. He's been posted in this group before.
49m Like Reply 2
Danielle McLain
Sam Marie
45m Like Reply
Sam Marie
Again
Rules

BLAKE HADEL,	*	IN THE
4050 Beach Road	*	CIRCUIT COURT
Dundalk, MD 21222	*	FOR
Plaintiff	*	CARROLL COUNTY
	*	
V.	*	
	*	
KYLEIGH MIDKIFF,	*	
2841 Cedarhurst Lane	*	
Finksburg, MD 21157	*	
Defendant	*	Case No.: C-06-CV-24-000259

****

MEMORANDUM OF FACTS AND LAW IN THE SUPPORT OF DEFENDANT'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes Defendant, KYLEIGH MIDKIFF, by and through herself, and submits the following Memorandum of Facts and Law in support of her Motion to Dismiss Plaintiff's Complaint and Demand for Jury Trial.

STATEMENT OF FACTS

1. On July 10th, 2024, KYLEIGH MIDKIFF, defendant, was served the Complaint and Demand for Jury Trial from BLAKE HADEL, Plaintiff in this case.
2. It is stated on page one, number one, that KYLEIGH MIDKIFF, defendant, on July 16, 2024, made defamatory statements on a public social media page falsely accusing Plaintiff, BLAKE HADEL, of committing multiple crimes and falsely accusing Mr. Hadel of actions he never engaged in.

FILED AUG 5 2024

3. Kyleigh Midkiff, defendant, wants to point out that this date mentioned throughout this complaint is a future date (July 16,2024), then when the complaint was written and served. Ms. Midkiff was served on July 10, 2024. The complaint was written on July 9, 2024. The supposed defamatory statements were written on July 16, 2024.
4. Mr. Hadel has stated in his complaint that Ms. Midkiff made defamatory statements of the following: Mr. Hadel sexually assaulting women, Mr. Hadel signed off his rights to his two children due to not being able to afford child support, and Mr. Hadel owing thousands of child support to the mothers of his children.
5. Ms. Midkiff did comment on a post from June 17, 2024.
6. Ms. Midkiff did make comments about Mr. Hadel that were the truth and only but the truth.
7. Ms. Midkiff is friends with Mr. Hadel's child's mother, Meghan Maggio and has been for three years now.
8. Ms. Midkiff did attend several court hearings with Ms. Maggio as support to her friend and as a witness to those cases and statements made by Mr. Hadel.
9. Ms. Midkiff states that this post was posted anonymously by someone, and the page it was posted on online is a private page strictly for women. Mr. Hadel states it is a public page. See Exhibit 1 for the attached page of rules and private status of the page.

10. Ms. Midkiff first comment regarding Mr. Hadel "sexually assaulting women" was a true and accurate statement.
11. Ms. Midkiff saw a comment from a previous female who has met Mr. Hadel one time who posted a comment on the same post from July of 2023 stating she was sexually assaulted by Mr. Hadel. See Exhibit 2.
12. Ms. Midkiff also has several screenshotted text messages between Mr. Hadel and a female where she approaches Mr. Hadel's behavior sexually towards her. See Exhibit 3 for those text messages screenshots.
13. Ms. Midkiff did make a statement about Mr. Hadel signing over his rights to his children, which is a true statement.
14. Ms. Midkiff, who is an aunt to Mr. Hadel's biological child, was involved in Mr. Hadel and Ms. Maggio's custody case where she was able to learn that Mr. Hadel signed over his rights to his biological children. See Exhibit 4 of the consent agreement.
15. Ms. Midkiff final comment of Mr. Hadel owing backdated child support of thousands, is a true and accurate statement.
16. Ms. Midkiff states that she was involved in the custody case as a witness and has physically seen documentation from the Child Support Administration of Mr. Hadel owing "backdated child support". See Exhibit 5 of those documents Ms. Midkiff was able to obtain from Ms. Maggio.
17. Lasty, Ms. Midkiff did make a comment on a post stating, "The next post will be his mug shot". Mr. Hadel's name was not used or posted. This comment was

based solely off a strong opinion that is very possible due to Mr. Hadel's behaviors and choices in his life.

18. Ms. Midkiff knows and has seen evidence of Mr. Hadel using illegal drugs and selling illegal drugs to the public.
19. Ms. Midkiff was actively present when the above drug related incidents were shown in the court rooms for the protective order cases as well as the prior custody hearing from March of 2023.
20. Ms. Midkiff at no time in these post's defamed Mr. Hadel in her comments
21. Ms. Midkiff feels this is a retaliation attack because she is friends with Mr. Hadel's biological child's mother, Ms. Maggio.
22. There are one hundred other comments of awful experiences from other women, but Mr. Hadel chose Ms. Midkiff to attack. See Exhibit 6, of those other comments.
23. At this time Ms. Midkiff has not made a comment that defamed Mr. Hadel in anyway
24. Ms. Midkiff has only stated true and accurate information as well as stated an opinion off Mr. Hadel's life choices.

Respectfully Submitted,

Kyleigh Midkiff, Defendant

July 29, 2024

E-FILED; Carroll Circuit Court
Docket: 8/19/2024 7:00 PM; Submission: 8/19/2024 7:00 PM
Envelope: 17676769

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel Sarah Spitalnick Esq., respectfully opposes Defendant's Motion to Dismiss Plaintiff's Complaint and Demand for Jury Trial and in support states the following:

PRELIMINARY STATEMENT

Plaintiff respectfully opposes the Defendant's Motion to Dismiss Plaintiff's Complaint and Demand for Jury Trial (hereinafter "The Complaint"). Defendant is specifically opposed to Defendants assertion that he did not plead specific damages and that according to Md. Rule 2-322(b)(2) for failure to state a claim which relief can be granted the Complaint should be dismissed. According to *Shapiro v. Massengill,* 105 Md. App. 743, 773-774*,* a Plaintiff does not need to specifically plead damages when the claim is for libel per se. The Court assumes damages for claims of libel per se because the defamatory statement is so egregious that is assumed the Plaintiff was damaged. The Defendant has proffered the defense of truth but has failed to make any showing of how her statements were truthful. The Defendant has not stated any relevant binding law that would support a Motion to Dismiss. In the Defendant's Memorandum of Law and Facts in Support of the Motion to Dismiss, she fails to cite any law

and has titled the pleading incorrectly. The Defendant has also failed to cite the correct MD Rules regarding requesting a hearing or incorporating documents into a pleading. The Defendant has also failed to request the correct relief. The Defendants Motion to Dismiss and Memorandum in Support are patently lacking any law and relief. The Defendant's pleadings are not only legally lacking but are very confusing to where it is unclear what relief the Defendant is requesting of this Court.

For a Plaintiff to prevail in a defamation action where the Plaintiff is a private person and the Defendant is not a public media company, they must prove a defamatory statement, publication of that statement to third party who recognizes the statement as defamatory, falsity, fault by reckless disregard for the truth or fault by actual malice, and harm *Gooch v. Maryland Mechanical Systems, Inc*., 81 Md. App. 376, 391.

When the court reviews a motion to dismiss "a circuit court assumes the truth of the complaint's factual allegations, and any reasonable inferences, in the light most favorable to Mr. Hadel." *Patton v. Wells Fargo Fin. Md., Inc.,* 437 Md. 83, 95, 85 A.3d 167, 173 (2014). Mr. Hadel has plead sufficient factual allegations that constitute a viable cause of action against the Defendant.

For those reasons, the Court should deny the Defendant's Motion to Dismiss Plaintiff's Complaint.

BACKGROUND

Plaintiff, BLAKE HADEL (hereinafter "Plaintiff"), and Defendant, KYLEIGH MIDKIFF (hereinafter "Defendant"), know of each other through Mr. Hadel's child's mother, Meghan Maggio (hereinafter Ms. Maggio). The Plaintiff has met the Defendant under a handful of times, where they have never discussed any details of the Plaintiffs personal life. The Defendant is close

friends with Ms. Maggio and has been for the last three years. The Defendant is also the aunt of Ms. Maggio and the Plaintiffs minor daughter.

Ms. Maggio and the Plaintiff have had an adversarial relationship for the previous four years, mainly due to Ms. Maggio wanting to be in a romantic relationship with the Plaintiff, and the Plaintiff wholly against a romantic relationship. Ms. Maggio and the Plaintiff have had previous court cases regarding their minor child (custody dispute), domestic violence, and an unrelated civil matter. Ms. Maggio has made it clear through social media and her communications with the Plaintiff that she believes him to be a less then honorable and respectable person when she becomes displeased at the Plaintiff. Ms. Maggio has a history of stalking, harassing, defaming, and assaulting the Plaintiff. It is well known Ms. Maggio is extremely negatively biased towards the Plaintiff due to their continuing adversarial relationship and all her previous posts on social media regarding the Plaintiff.

The Defendant and Ms. Maggio have been close friends for over the past three years, where the Defendant has admitted she went with Ms. Maggio to her court related matters with the Plaintiff to support her friend. The Defendant admitted she only knows the Plaintiff through Ms. Maggio, so it can be assumed all her knowledge regarding the Plaintiff, has come directly from Ms. Maggio.

LEGAL STANDARD

Md. Rule 2-322

Pursuant to Md. Rule 2-322(b)(2), "The following defenses may be made by motion to dismiss filed before the answer, if an answer is required:… (2) failure to state a claim upon which relief can be granted,…" Pursuant to Md. Rule 2-322(c) "If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are

presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501."

Libel Per Se

When a claim is for libel per se, damages to the Plaintiff's reputation is presumed and the Plaintiff does not need to specifically show or prove their damages *Shapiro v. Massengill*, 105 Md. App. 743, 773-774. Specifically, if the Plaintiff can prove the Defendant made the defamatory statements with actual malice or reckless disregard for the truth, the Plaintiff's "injurious character is a self-evident fact of common knowledge of which the court takes judicial notice and need not be pleaded or proved." *Gooch v. Maryland Mechanical Systems, Inc*., 81 Md. App. 376, 391. *"*[A]s a matter of Maryland law, the presumption of harm to reputation still arises from the publication of words actionable per se. A trier of fact is not constitutionally barred from awarding damages based on that presumption in a constitutional malice case." *Id.*

With regard to the defense of the truth and opinion, for a Defendant to prove truth, they need to show the statement is patently true, and for opinion they have to show a reasonable person would not take the statement as a statement of fact but as opinion or satire *Telnikoff v. Matusevitch*, 347 Md. 561, 595-596. For the defense of truth, the Defendant needs to show that the statement was the truth and how the Defendant came to find the statement was true *Id*. For the defense of opinion, the court have found "that defamatory communications may be based on assertions of fact or opinion. Restatement (Second) of Torts §§ 565, 566 (1977). As the Supreme Court indicated, a false statement of fact cannot escape liability for defamation under the guise of opinion. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 18, 111 L. Ed. 2d 1, 110 S. Ct. 2695

(1990). Thus, when an expression of opinion contains implied assertions of underlying objective fact, the statement may be actionable *Samuels v. Tschechtelin*, 135 Md. App. 483, 544. For the Defendant to fend off libel per se assumed damages the Defendant needs to prove that they did not act with actual malice when publishing the statement and that the Defendant did her due diligence to prove the veracity of the statement before publishing it to the public or the statement was true or would not be taken as fact by a third-party *Id*.

ANALYSIS

Plaintiff does not need to plead specific damages for Libel Per Se.

With regard to the Defendants argument referencing that the Plaintiff did not plead damages, the Defendant has failed to differentiate between libel and libel per se. The Plaintiff specifically plead and gave supporting evidence for a cause of action of libel per se, which allows the Plaintiff not to specifically plead how his reputation and character were harmed by the defamatory statement *Gooch v. Maryland Mechanical Systems, Inc*., 81 Md. App. 376, 391. The Plaintiff has plead and gave supporting evidence that the Defendant posted the defamatory statements with malice or at minimum a reckless disregard for the truth. If the Plaintiff pleads malice and/or reckless disregard for the truth regarding the Defendant's defamatory remarks, again the Plaintiff does not need to plead the specific damages and how the statements harmed his reputation and character, the court will take judicial notice of the presumed harmed suffered *Id.*

The Plaintiff has plead libel per se and supporting facts and evidence that support the claims of libel per se, which allows the Plaintiff's claims to move forward without pleading damages and allows the court to take judicial notice of the presumed damages *Id.*

The Defendant has failed to cite any law to support her Motion to Dismiss.

Within the Defendants Memorandum of Law and Fact in Support of the Motion to Dismiss, there is only facts listed, no law or case law was cited that would support the Defendant's Motion

to Dismiss. The Defendant stated, without citations, that the Plaintiff needs to prove his damages, and since he has not plead damages in the Complaint, the Complaint should be dismissed for failure to state a claim which relief can be granted.

The Defendant has stated facts with legal conclusions without citing any relevant/binding/case law. The only law the Defendant states is MD Rule 2-322, which only relates to dismissal of actions that have failed to state a claim in which relief can be granted. The Defendant cites the MD Rule 2-322 when she has attempted to incorporate prior pleadings in her Motion and attempts to request a hearing on her Motion to Dismiss. Not only, is binding law severely lacking in the Motion, but the few cites the Defendant made are insufficient and/or are the incorrect cites. The Defendants Motion to Dismiss is incorporated by reference, pursuant to Md. Rule 2-303(d).

On the basis alone, that the Defendant has not cited any relevant rules or case law that can support her position, her Motion to Dismiss should be denied.

The Defendant has failed to show sufficient proof to show the statements were not defamatory.

The Defendant has admitted she made all the alleged defamatory comments referenced in the Complaint, specifically, (1) the Plaintiff sexually assaulted multiple women, (2) the Plaintiff signed away his legal rights to his children due to not being able to afford child support, (3) that the Plaintiff will be getting arrested, and (4) that the Plaintiff owed thousands of dollars in back child support. The Defendant asserts that even though she made those statements, she only made them due to them being the truth or her opinion. The Defendant attached to her Motion screenshots of the posts in question, screenshots of an alleged conversation between the Plaintiff and a girl named Kat Norman (hereinafter "Ms. Norman"), the Plaintiff and Ms. Maggio's consent order to terminate parental rights, and a screenshot of what the Defendant asserts is Plaintiff's child support

account (the exhibit that the Defendant asserts to be the Plaintiff's child support account is blurry and cannot for fact be determined to be the Plaintiff's child support account).

Specifically with Count I regarding the Plaintiff sexually assaulting multiple women. The Defendant has asserted this statement was the truth because of a post she saw possibly accusing the Plaintiff of sexual misgivings by Ms. Norman and that the Defendant had seen screenshots of an alleged conversation between Ms. Norman and the Plaintiff. Within the social media posts, Ms. Norman, accuses the Plaintiff of sexual assault, but Ms. Norman freely admitted that the Plaintiff was, at the time of the interaction, intoxicated by both sleeping medication and alcohol, while Ms. Norman stated she was sober. On its face, Ms. Normans allegations against the Plaintiff do not raise to a plausible claim of sexual assault for the sole fact that Ms. Norman admits the Plaintiff was intoxicated while she was sober. The Plaintiff, by the Defendant's exhibits, was under the influence, which Ms. Norman was on notice of, and the Plaintiff could not have formed the necessary intent or give consent to any sexual intercourse. Ms. Norman admitted she knew the Plaintiff was under the influence and even stated she only had sexual intercourse with the Plaintiff due to her having driven thirty minutes to the Plaintiff's house. If anything, that post shows, that Ms. Norman took advantage of the Plaintiff while he was under the influence. Any reasonable person would have read that post and found it lacking any substantiated evidence that the Plaintiff was the party in the wrong.

Secondly Ms. Norman's post and the alleged text messages between Ms. Norman and the Plaintiff do not follow a logical and consistent timeline. Specifically, Ms. Norman states she pushed the Plaintiff off of her during sexual intercourse with the Plaintiff, but by her own admissions of the position of both her and the Plaintiff where in it would have been physically impossible for her to push the Plaintiff off of her. Ms. Norman states the Plaintiff was behind her

while she had her behind against the Plaintiff and her head facing away from the Plaintiff, from that position it is physically impossible for her to have "pushed" the Plaintiff off of her. Then Ms. Norman states that she had asked the Plaintiff to slow down because she was in pain, and the Plaintiff fully complied and even asked if they should stop. Ms. Norman continued to sexually engage herself with the Plaintiff, even after it became painful. Ms. Norman stated she did not stop the Plaintiff after that point and continued with the sexual intercourse until they were finished. Any reasonable person reading that post or those text messages, would be given significant doubt to the validity of the interactions and accusations made against the Plaintiff. Further sowing reasonable doubt to the validity of her allegations, Ms. Norman removed her post regarding the Plaintiff soon after she posted it and never made any police reports regarding the incident. Between the text messages and the Facebook post, no reasonable person would take Ms. Normans allegations as creditable because of the immense amount of discrepancies and clear issues with intoxication and consent.

The Defendant has failed to state how she came to be in control over the alleged text messages between the Plaintiff and Ms. Norman. The Defendant never spoke with Ms. Norman nor did Ms. Norman send those text messages to the Defendant. The Defendant has failed to even show any authentication that the text messages attached are between the Plaintiff and Ms. Norman. The text messages in question only show a name at the top of "Blake", nothing else. The text messages also do not follow the Plaintiff's way of speaking or texting. There is no way to even know if these text messages were between the Plaintiff and Ms. Norman, or that the text messages relate to the Plaintiff in anyway. There is no authentication that these messages were even sent or that these are unaltered texts between Ms. Norman and the Plaintiff. Patently, these texts do not prove or show anything due to there being no authentication of them, and the Defendant admitted

she was not sent these messages from either party involved. If anything, the text messages further the sew doubt that Ms. Norman's allegations were false or at minimum needed to be verified to prove the varsity of the claims. The Defendant has not plead or shown that the statement referencing the Plaintiff sexually assaulting multiple women is true or that she did any investigation into the veracity of the statement before she published it to the public. The Defendant has merely asserted the statements were true and attached unverified and unreliable screenshots that do not show the statements were true. The Defendant has failed to cite any binding law to support her argument and legal conclusions.

With regard to Count II, that the Plaintiff owes thousands of dollars in child support. The Defendant has asserted that she made this comment but that it was "the truth and nothing but the truth". The Defendant submitted a document with her Motion to Dismiss that she asserts is a screenshot of the Plaintiff's child support account showing the Plaintiff owing an unspecified amount in child support. The Defendant has proffered no other evidence or proof that the Plaintiff owed thousands of dollars in child support besides the blurry image that cannot be read and her own statement. The Defendant has failed to produce any evidence to prove the truth of her statement or any evidence of her investigation into the statement before publishing it to the public. The Defendant failed to cite binding law to support her argument and legal conclusions.

With regard to Count III, that the Plaintiff signed away his parental rights due to not being able to afford child support. The Defendant has proffered the Plaintiff and Ms. Maggio's Consent Order to Termination Parental Rights (hereinafter "Consent Order") as evidence that the statement regarding the Plaintiff signing away his parental rights to his children due to not being able to afford child support, and her interactions with. Ms. Maggio during the Plaintiff and Ms. Maggio's custody battle. The Defendant has failed to prove the truth of the statement as a whole, specifically

the defamatory aspect of the statement. The Plaintiff does not assert the mere statement he signed his parental rights away was defamatory, it was the allegation he did so because he could not afford child support. The Consent Order specifically states that the Plaintiff elected to sign his parental rights away due to it being within the best interest of the child, nowhere in the Consent Order does it state the Plaintiff did so because he could not afford child support. At no point during any court hearing regarding Ms. Maggio and the Plaintiffs custody dispute or domestic violence matter did the Plaintiff ever state he signed his rights away due to not being able to afford child support. The Consent Order nor the relevant court hearings prove the defamatory statement is truthful, thus again the Defendant has failed to provide any evidence or binding law that would prove truthfulness of the statement or that this claim should be dismissed due to the statement being truthful.

With regard to Count IV, that the Plaintiff will have his mug shot posted soon because of the Plaintiff engaging in illegal activity. The Defendant asserts that this allegation was merely her opinion and that it was based on the truth. The Defendant asserts that through her being at the court hearings for the Plaintiff and Ms. Maggio's custody matter and their domestic violence matter she became aware of the Plaintiff engaging and selling illegal drugs. The Defendant states that she saw proof of the Plaintiff engaging in illegal activity during these hearings and that she witnessed the Plaintiff "selling drugs". Yet again, the Defendant has proffered no evidence to support this claim was the truth besides her own statements. The Defendant also failed to provide any proof the statement was her opinion and not stated as fact. Without any binding law being cited and no actual proof being shown the statements were truthful or just her opinion, this count cannot be dually dismissed.

The Defendant has misstated and misconstrued the facts while failing to address the correct facts relating to the Plaintiff's claims (public page, did not sue anyone but her, and statements were facts).

The Defendant states that the Complaint incorrectly described the Facebook page "Are We Dating the Same Guy?" as a public page, that the Plaintiff's only suing her and not the other girls that posted on the Facebook page was retaliatory, and that in the comments the Defendant posted she never mentioned the Plaintiff by name.

First, the Defendant has failed to understand the meaning of a "public" page as referenced in the Complaint. When the Plaintiff asserted the Facebook page is public, he meant that the page is open to the public, as in many unknown persons to the Defendant and Plaintiff could read the Defendants comments other than the Plaintiff. For a claim for defamation, one of the key elements is that the Defendant published the statement to a third party that is not the Plaintiff *Samuels v. Tschechtelin*, 135 Md. App. 483, 544. The Defendant, admittedly so, published the statements on a Facebook page that many third parties, besides the Plaintiff, could and did see the comment, so for purposes here the Facebook page is public. To further show publication, multiple third parties commented on the Defendants statement addressing her defamatory statements. The term public page in this context merely relates to the Facebook page in question being open to multiple persons that are not the Plaintiff. The semantic of the term public page is irrelevant to this case due to the element of publication only referees to the Defendant publishing the defamatory statement to any person not the Plaintiff, which the Defendant readily admitted *Id.*

Secondly, the Defendant alleges that the Plaintiff choosing to only sue her and no other girls that made negative comments on the above referenced Facebook page regarding the Plaintiff proves he is retaliating against the Defendant specifically because she is friends with Ms. Maggio.

The Defendant fails to understand the difference between an opinion and fact and that the Defendant posted her defamatory statements with her named attached to it, unlike a lot of comments made that were done anonymously. Many other girls that had posted negative comments about the Plaintiff either wrote them as an opinion, not of fact or they did not accuse the Plaintiff of crimes or actions involving moral turpitude. The Defendant was also one of the very few girls to comment on all the relevant posts regarding the Plaintiff. Unlike many of the other comments the girls have posted regarding the Plaintiff, the Defendant showed she was determined to defame the Plaintiff and that she would continue defaming the Plaintiff if she was given the chance. The Defendant has failed to see how her comments were stated as fact and accused the Plaintiff of serious crimes while many other comments were opinions or posted anonymously.

The Plaintiff did not file this suit out of retaliation for the Defendant's friendship with Ms. Maggio, the Plaintiff filed this suit due to the Defendant defaming the Plaintiffs reputation and character by accusing him of crimes and actions involving moral turpitude. The Defendant is merely accusing the Plaintiff of filing this suit based on retaliation so that she could allude the consequences of her defamatory statements. The Plaintiff filed this suit solely because the Defendant has shown her disregard for the truth and her determination to defame the Plaintiff at any chance she gets.

The Defendant has also failed to show any evidence that she did her due diligence to investigate the veracity of her statements before publishing them. The Defendant has stated that she knew the truth of her statements directly and only through Ms. Maggio. Ms. Maggio has a documented adversarial history with the Plaintiff, where Ms. Maggio has been shown to not be able to address anything concerning the Plaintiff without a negative bias. The Defendant is close friends with Ms. Maggio and is aware of Ms. Maggio's negative bias towards the Plaintiff. The Defendant had a

duty to investigate everything she learned about the Plaintiff through Ms. Maggio due to Ms. Maggio being unable to be unbiased when it comes to the Plaintiff. With the Defendant on clear notice that Ms. Maggio has a negative bias towards the Plaintiff, she had a duty to verify Ms. Maggio's statements before publishing them to the public. The Defendant failed to investigate any allegation Ms. Maggio told to the Defendant before she published them to the public. The Defendant's sole intent on publishing the defamatory comments was to defame the Plaintiff's character and reputation with no regard for the truth or damage they could cause.

Lastly, the Defendant has attempted to argue that since she did not name the Plaintiff by his name, then she can't be held liable for the comments. The Defendant does not have to specifically state the Plaintiff's name to be held liable for the defamatory comment. The standard is that a reasonable third person would be able to easily identify who the defamatory comment was about Hearst Corp. v. Hughes, 297 Md. 112, 120. Here, the Defendants defamatory comments were published on a post only regarding the Plaintiff. Any reasonable third-party would know the Defendants comments were about the Plaintiff.

The Defendant has admitted she posted all the defamatory comments named in the Complaint, the Defendant failed to proffer any evidence or proof that the defamatory comments are true or merely her opinion, and the Defendant has failed to show any evidence or proof that she did her due diligence to investigate the veracity of her statements before publishing them to the public. The Defendant also failed to cite any relevant or binding law to support any of her assertions or legal conclusions. Due to the all above reasons, the Defendants Motion to Dismiss should be DENIED.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that this Court:

A. DENY the Defendant's Motion to Dismiss.

B. GRANT the Plaintiff any other such relief the Court deems proper.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August 2024, a true and correct copy of the foregoing Opposition to Defendants' Motion to Dismiss and Proposed Order was sent via MDEC and mail to:

Kyleigh Midkiff
2841 Cedarhurst Lane
Finksburg, MD 21157
Pro se Defendant

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

Blake Hadel, Plaintiff v. Kyleigh Midkiff, Defendant	IN THE CIRCUIT COURT FOR CARROLL COUNTY **Case No. C-06-CV-24-000259**

ORDER SETTING HEARING

WHEREAS, Plaintiff filed a Complaint in the above-captioned matter on July 9, 2024; and

WHEREAS, Defendant filed a Motion to Dismiss Plaintiff's Complaint and Demand for Jury Trial on August 5, 2024, wherein she requests a hearing on the Motion to Dismiss, pursuant to Maryland Rule 2-322(b); and

WHEREAS, Plaintiff filed a Response in Opposition to Defendant's Motion to Dismiss (and Request for Hearing) on August 19, 2024, wherein he requests the Defendant's Motion to Dismiss be Denied.

NOW THEREFORE, it is, by the Circuit Court for Carroll County, Maryland:

ORDERED, that a Hearing be set on Defendants' Motion and Plaintiff's Response on

September 27, 2024 @:45 am

08/23/2024 8:19:48 AM
DATE

JUDGE MARIA L. OESTERREICHER
Circuit Court for Carroll County

Entered: Clerk, Circuit Court for
Carroll County, MD
August 23, 2024

E-FILED; Carroll Circuit Court
Docket: 9/24/2024 4:29 PM; Submission: 9/24/2024 4:29 PM
Envelope: 18144616

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

☐ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Carroll County
City/County

Located at 55 N. Court Street Westminster MD 21157 Case No. C06CV24000259
Court Address

STATE OF MARYLAND
OR

Blake Hadel	vs.	Kyleigh Midkiff
Name		Name
4050 Beach Road		2841 Cedarhurst Road
Address		Address
Dundalk Maryland 21222		Finksburg Maryland 21048
City, State, Zip		City, State, Zip

MOTION FOR CONTINUANCE / POSTPONEMENT

I, Kyleigh Midkiff ,
Name

move that the court grant a continuance / postponement of the proceeding listed below:

Type of proceeding: Hearing/Motion to Dismiss

Currently scheduled date and time: September 27,2024 at 8:45am

for the following reasons: My key witness in this case is not available to attend now due to training at her work that she is not able to get off from. As she is a huge part in this original petition, I would like her to attend.

For these reasons, I request the court continue / postpone the proceeding referenced above.
I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

09/24/2024 — Date
Kyleigh Midkiff — Signature
Attorney Number
Kyleigh Midkiff — Printed Name
443-440-2163 — Telephone Number
2841 Cedarhurst Road — Address
Fax
Finksburg Maryland 21048 — City, State, Zip
E-mail

CERTIFICATE OF SERVICE

I certify that I served a copy of this motion, upon the following party or parties by ☒ mailing first-class mail, postage prepaid ☐ hand delivery, on 09/25/2024 to:
Date

Sarah Spitalnick	23 Walker Avenue Suite 207
Name	Address
	Pikesville MD 21208
	City, State, Zip
Name	Address
	City, State, Zip
Date	Signature of Party Serving

ORDER

It is ORDERED:
☐ the relief requested be GRANTED.
☐ the motion is DENIED.
Comments:

Date — Judge — ID Number

CC-DC-070 (Rev. 07/2021)

Reset

Scanned with CamScanner

E-FILED; Carroll Circuit Court
Docket: 8/19/2024 7:00 PM; Submission: 8/19/2024 7:00 PM
Envelope: 17676769

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

LINE OF APPEARANCE

Please enter the appearance of Sarah Spitalnick Esq. as counsel for the Plaintiff in the above captioned matter.

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnickesq@gmail.com
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 9/25/2024 12:27 PM; Submission: 9/25/2024 12:27 PM
Envelope: 18156746

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO POSTPONE

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel Sarah Spitalnick Esq., respectfully opposes Defendant's Motion to Postpone and in support states the following:

1. On or about July 9, 2024, Plaintiff filed his Complaint and Demand for Jury trial.
2. On or about August 5, 2024, Defendant filed a Motion to Dismiss, Memorandum of Law and Facts, and Request for a Hearing.
3. On or about August 19, 2024, Plaintiff filed his Opposition to the Defendant's Motion to Dismiss.
4. On or about August 23, 2024, the Court scheduled a hearing on the Defendant's Motion to Dismiss for September 27, 2024.
5. On or about September 24, 2024, Defendant filed a Motion to Postpone.
6. Defendant stated in her Motion to Postpone the reason for the postponement is due to her "key" witness not being available to attend the hearing.
7. According to MD Rule 2-311, a hearing on a Motion is only to argue what has been plead in the written motion, no outside evidence or witnesses can be brought in.

8. Hearings on Motions to Dismiss are only to allow the parties to orally argue their Motion to Dismiss and their Opposition to the Motion to Dismiss. Parties cannot bring in new evidence or any witnesses during these hearings.
9. The Defendant had her opportunity to plead her facts and arguments in her Motion to Dismiss and attach any witness statements she believed would be helpful to her Motion to Dismiss. The Defendant failed to attach any witness statements to support her Motion to Dismiss.
10. The Defendant has failed to state any good cause for a postponement, as her witness's availability has no bearing on the hearing on her Motion to Dismiss.
11. The Plaintiff has already prepared for the hearing, taken off from work, and changed his schedule so that he could be at the hearing. The Plaintiff would be prejudiced by a postponement, especially with only a two-day notice of postponement.
12. The Defendant has known the date and time of the hearing since August 23, 2024, yet she filed for postponement three days before the hearing without good cause shown.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that this Court DENY the Defendant's Motion to Postpone.

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave, Suite 207
Baltimore, MD 21208
(484) 332-0454
SarahSpitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of September 2024 a copy of the foregoing Opposition to Defendant's Motion to Postpone was sent via priority mail to:

Kyleigh Midkiff
2841 Cedarhurst Rd.
Finksburg MD, 21048

/s/ Sarah Spitalnick
Sarah Spitalnick

BLAKE HADEL, Plaintiff v. **KYLEIGH MIDKIFF,** Defendant	IN THE CIRCUIT COURT FOR CARROLL COUNTY **Case No. C-06-CV-24-000259**

ORDER

Upon consideration of Defendant's Motion to Dismiss Plaintiff's Complaint filed August 5, 2024, Plaintiff's Response thereto filed August 19, 2024, and the hearing conducted by the Court on September 27, 2024, it is, by the Circuit Court for Carroll County, Maryland

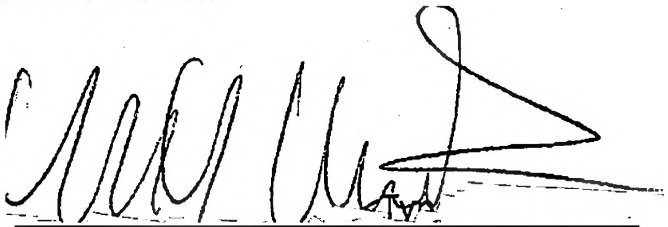
ORDERED, that the Defendant's Motion to Dismiss is **DENIED** in part and **DEFERRED** in part; and it is further

ORDERED, that the Defendant's Motion to Dismiss as it relates to the truth of the statements at issue in this matter is **DENIED**. The truth of statements are issues of fact, not law. In ruling on a motion to dismiss for failure to state a claim, the Court is not to make factual findings. *O'Brien & Gere Engineers, Inc. v. City of Salisbury*, 222 Md. App. 492, (2015); and it is further;

ORDERED, that ruling on the Defendant's Motion to Dismiss as it relates to correcting the typographical errors of the dates in the Complaint is **DEFERRED** for a period of fifteen (15) days from the date of this Order; and it is further

ORDERED, that Plaintiff has fifteen (15) days in which to file an Amended Complaint correcting the typographical errors related to the dates in the Complaint; and it is further;

ORDERED that the Plaintiff's failure to file an Amended Complaint within fifteen (15) days of this Order will result in granting the Defendant's Motion to Dismiss.



09/30/2024 10:02:51 AM
DATE

JUDGE MARIA L. OESTERREICHER
Circuit Court for Carroll County

Entered: Clerk, Circuit Court for
Carroll County, MD
October 1, 2024

E-FILED; Carroll Circuit Court
Docket: 10/1/2024 5:29 PM; Submission: 10/1/2024 5:29 PM
Envelope: 18247627

BLAKE HADEL, *Plaintiff*, v. KYLEIGH MIDKIFF *Defendant*,	)	IN THE CIRCUIT COURT FOR CAROLL COUNTY CASE NO: C-06-CV-24-000259

FIRST AMENDED COMPLAINT

Plaintiff, BLAKE HADEL, by and through his counsel Sarah Spitalnick Esq., hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF ACTION

1. On or about June 16, 2024, and July 25, 2023, Defendant, KYLEIGH MIDKIFF (hereinafter "Defendant" or "Ms. Midkiff") made defamatory statements on a public social media page falsely accusing Plaintiff, BLAKE HADEL, (hereinafter "Plaintiff" or "Mr. Hadel") of committing multiple crimes and falsely accuses Mr. Hadel of actions he never engaged in.

2. Ms. Midkiff accused Mr. Hadel of sexually assaulting multiple women, owing thousands of dollars in child support, engaging in unknown illegal or criminal conduct, and signing his legal rights to his children away due to not being able to afford child support on a Facebook public page.

3. Mr. Hadel has never sexually assaulted any woman.

4. Mr. Hadel, at that time and presently, did not owe thousands of dollars of child support.

5. Mr. Hadel has not engaged in criminal activity in or around the time of the defamatory posts.

6. Mr. Hadel did not sign his rights away to his children due to not being able to afford child support.

7. Mr. Hadel seeks an award from this court for compensatory damages, punitive damages, and court costs.

PARTIES

8. Plaintiff, BLAKE HADEL, is a resident of the State of Maryland.

9. Defendant, KYLEIGH MIDKIFF, is a resident of the State of Maryland.

JURISDICTION AND VENUE

10. Jurisdiction is proper pursuant to Md. Code Ann., Code; Jud. Proc. § 1-501 and § 6-102, because Ms. Midkiff resides in Maryland.

11. Venue is proper pursuant to § 6-201 because Ms. Midkiff resides in Carroll County.

FACTS

June 16, 2024, Post

12. On or about June 16, 2024, an unknown person posted a photo of Mr. Hadel with the caption “Blake. Tea or red flag?”.

13. The term “Tea” is a synonym for information.

14. The term “red flag” refers to negative information.

15. The unknown author of the post posted Mr. Hadel's photo to ask the Facebook group "Are We Dating The Same Guy? /Baltimore/Columbia/Maryland" if other members knew anything negative or positive about Mr. Hadel.

16. On or about June 16, 2024, Ms. Midkiff commented on the unknown persons post regarding Mr. Hadel stating that "[Mr. Hadel] he's also been posted here several times because he has SA'd [Sexually Assaulted/Abused] multiple women."

17. "SA" is a commonly known shorthand for sexual assault or sexual abuse.

18. Mr. Hadel has never sexually assaulted any women and Mr. Hadel has never been brough up on sexual assault charges or have been indicted on sexual abuse charges.

19. Ms. Midkiff directly stated, as fact, that Mr. Hadel sexually assaulted/abused multiple women and due to that he has been posted on this specific group multiple times.

20. Ms. Midkiff's statement was not one of opinion, but of fact.

21. Ms. Midkiff's statement is patently false.

22. Ms. Midkiff does not have first-hand knowledge of Mr. Hadel or his romantic interactions with women.

23. Ms. Midkiff has accused Mr. Hadel of a serious crime, a crime that could be punishable up to and including imprisonment.

24. On or about June 16, 2024, Ms. Midkiff commented on the above referenced unknown persons post regarding Mr. Hadel stating that "[Mr. Hadel] he's a disgusting excuse for a human being. He signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away."

25. Mr. Hadel did not sign off his rights to his children due to not being able to afford child support.

26. Ms. Midkiff directly stated, as fact, that Mr. Hadel signed away his legal rights to his children due to not being able to afford child support.

27. Ms. Midkiff statement was not one of opinion, but of fact.

28. Ms. Midkiff statement is patently false.

29. Ms. Midkiff does not have first-hand knowledge of Mr. Hadel's legal custody matters.

30. Ms. Midkiff directly states Mr. Hadel is "disguising excuse for a human being". Ms. Midkiff is showing her hatred of Mr. Hadel, whom she barely knows and has had little to no actual interactions with.

31. Ms. Midkiff's accusation that Mr. Hadel would sign his legal rights to his children away because he couldn't afford child support, is accusing Mr. Hadel of an action considered to be of moral turpitude.

July 25, 2023, Post

32. On or about July 25, 2023, another unknown person posted a photo of Mr. Hadel with the caption "Blake. Tea or red flag?".

33. The term "Tea" is a synonym for information.

34. The term "red flag" refers to negative information.

35. The unknown author of the post posted Mr. Hadel's photo to ask the Facebook group "Are We Dating The Same Guy? /Baltimore/Columbia/Maryland" if other members knew anything negative or positive about Mr. Hadel.

36. Ms. Midkiff commented on the unknown persons post regarding Mr. Hadel, "[Mr. Hadel] his ass owes thousands of dollars in child support. The next picture that gets posted of him will be a mugshot."

37. Mr. Hadel, at that time and presently, did not owe thousands of dollars in child support.

38. Ms. Midkiff stated, as fact, that Mr. Hadel owed thousands of dollars in back child support.

39. Ms. Midkiff's statement was one of fact, not opinion.

40. Ms. Midkiff's statement is patently false.

41. Ms. Midkiff does not have first-hand knowledge of Mr. Hadel's custody and financial information.

42. Ms. Midkiff's statements could have led to criminal prosecution of Mr. Hadel, with punishment of up to and including imprisonment.

43. Ms. Midkiff also accuses Mr. Hadel, in the above referenced post, of actively engaging in criminal conduct.

44. Ms. Midkiff specifically stated that "the next post will be his [Mr. Hadel] mug shot". That statement can only be interpreted as Ms. Midkiff asserting, she knows Mr. Hadel is actively engaging in criminal conduct that will lead to his arrest.

45. Ms. Midkiff stated as fact, that Mr. Hadel was going to be arrested and his mug shot will be posted on the group.

46. Ms. Midkiff's statement is one of fact, not opinion.

47. Ms. Midkiff's statement is patently false.

48. Ms. Midkiff has no first-hand knowledge of Mr. Hadel's actions and what he does in his personal time.

49. Ms. Midkiff is directly accusing Mr. Hadel of engaging in unknown illegal activity and criminal conduct.

50. Ms. Midkiff directly states Mr. Hadel mug shot will be posted, obviously alluding to the fact the unknown illegal activity Mr. Hadel is conducting will result in Mr. Hadel being imprisoned.

Ms. Midkiff's Knowledge and Interaction with Mr. Hadel

51. Ms. Midkiff only knows of Mr. Hadel through her close friend Meghan Maggio (hereinafter "Ms. Maggio").

52. Ms. Maggio is the mother of Mr. Hadel's daughter.

53. Ms. Midkiff and Ms. Maggio have been close friends for the past two (2) years.

54. Ms. Maggio has known and closely interacted with Mr. Hadel for the past four (4) years.

55. Ms. Midkiff has only spoken to Mr. Hadel on two or three occasions, where nothing personal about Mr. Hadel's life was ever discussed.

56. All Ms. Midkiff's information and knowledge of Mr. Hadel comes directly from Ms. Maggio.

57. Ms. Maggio has an extensive and documented history of stalking, harassing, and tormenting Mr. Hadel due to Mr. Hadel refusing to be in a romantic relationship with her.

58. Mr. Hadel has filed to gain a protective order against Ms. Maggio multiple times due to her constant and relentless harassment and stalking of Mr. Hadel.

59. Ms. Maggio also has a documented history of encouraging and/or colluding with her friends to post about Mr. Hadel in a negative light, harass and stalk Mr. Hadel, and harass and stalk Mr. Hadel's friends and family in an attempt to intimidated Mr. Hadel's and everyone in Mr. Hadel's life.

60. On one recent occasion, Ms. Maggio colluded with Ms. Midkiff to cyber stalk one of Mr. Hadel's attorneys so that Ms. Maggio could stalk whom she believed was behind Mr. Hadel filing to reopen their custody dispute and/or filing legal actions against Ms. Maggio.

61. Ms. Maggio's stalking and harassment of Mr. Hadel and his loved ones has been ongoing since 2021, Ms. Midkiff's collusion with Ms. Maggio to stalk and harass Mr. Hadel and his loved ones has been ongoing since 2022.

62. Regarding the defamatory posts, in the public Facebook group where Ms. Midkiff commented her defamatory statements are within a group that Ms. Maggio has been banned from for violating the groups rules.

63. After Ms. Maggio was banned from the group, she colluded with Ms. Midkiff to have Ms. Midkiff comment and post defamatory statements regarding Mr. Hadel to further Ms. Maggio's goal of intimidating everyone in Mr. Hadel's life.

64. It is unknown what Ms. Maggio has stated to Ms. Midkiff regarding Mr. Hadel, but Ms. Midkiff has done nothing to verify anything Ms. Maggio has told her nor has Ms. Midkiff made any attempts to determine if what she posts on behalf of Ms. Maggio were truthful or not.

65. As with Ms. Maggio, Ms. Midkiff has a blatant indifference to the validity and truthfulness of her statements regarding Mr. Hadel, Ms. Midkiff's sole intention was to defame Mr. Hadel in any means she deemed necessary to further Ms. Maggio goal of harassing and tormenting Mr. Hadel.

66. On one occasion in late 2023 and early 2024, Ms. Midkiff was present for the Protective Order Hearing and Appeal Hearing where Meghan Maggio was the respondent and Mr. Hadel was the petitioner.

67. Ms. Midkiff accompanied Ms. Maggio to the hearing, not because she was directly involved, but to show her support for her friend.

68. Ms. Midkiff has shown her loyalty to Ms. Maggio, in regard to defaming Mr. Hadel, throughout the last year or so. Ms. Midkiff has been ready and willing to do whatever Ms. Maggio believes is necessary to harm Mr. Hadel's reputation.

69. Since Ms. Midkiff has been friends with Ms. Maggio, she has had almost no direct interactions with Mr. Hadel to where she would know Mr. Hadel's personal romantic life, his financial status, or his intentions on why he behaves the way he does.

70. Ms. Midkiff has no social or direct connections to Mr. Hadel, except through Ms. Maggio.

71. Ms. Maggio has shown that she resents Mr. Hadel for not being in a romantic relationship with her, and that she will go to any lengths, legal or illegal, to punish Mr. Hadel.

72. Ms. Midkiff has shown she is willing to hate Mr. Hadel with Ms. Maggio, even though she has no first-hand experience with Mr. Hadel. Ms. Midkiff is more than willing to believe anything she is told regarding Mr. Hadel, without any verification, and then in turn spread those defamatory assertions without care.

Mr. Hadel's Background Regarding the Defamatory statements.

73. Mr. Hadel is an average late twenties early thirties single man. Mr. Hadel has a reputation of being a competent businessman and an overall socially active person in the community.

74. Mr. Hadel is not a person that would ever sexually assault/abuse or attack any women in a sexual manor.

75. Mr. Hadel does not have a criminal record, or any record of sexually assaulting/abusing anyone.

76. Mr. Hadel is a respected person in his community and does not have a reputation for sexually attacking anyone.

77. Mr. Hadel understands the importance of consent and fully respects a women's right to say no and be heard.

78. Mr. Hadel has never been indicted, charged, or found guilty/liable for sexual assault/abuse.

79. Accusing Mr. Hadel of sexual assault/abuse to thousands of women not only defames Mr. Hadel's personal reputation but also his professional reputation since he is a small business owner.

80. Mr. Hadel never signed his legal rights to his children away due to not being able to afford the child support payments.

81. Mr. Hadel did in fact sign away his legal rights to his two (2) children, but he did not do so due to not being able to afford child support.

82. Mr. Hadel had been engaged in ongoing custody disputes with both the mothers of his children, where no ending was in sight.

83. Mr. Hadel filed reopen both his custody disputes in later 2023 and early 2024, to attempt at resolving the custody disputes.

84. In both custody disputes, the mothers requested that Mr. Hadel sign his legal rights away to his children to close the custody disputes for good.

85. Mr. Hadel agreed to sign his rights away to his children because both he and the mothers believed that that would be in the best interest of the minor children.

86. Within both Mr. Hadel's petitions he filed in late 2023 and early 2024, he stated the reasoning for reopening the custody matters was to gain shared custody of the minor children.

87. It was only when both mothers, including Ms. Maggio, requested Mr. Hadel to sign his rights away, did he elect to do so.

88. Within Mr. Hadel's custody dispute with Ms. Maggio, Ms. Maggio was the party to bring up Mr. Hadel signing his legal rights away, and she did so so that Mr. Hadel would dismiss an unrelated civil action against her.

89. Mr. Hadel did have trouble always keeping up with his child support payments, due to mainly Ms. Maggio gaining unreasonably high child support against him, but Mr. Hadel was able to afford reasonable child support.

90. Mr. Hadel intended on reevaluating child support when he field to re-open both his custody matters so that he could afford his child support.

91. Mr. Hadel never stated he could not afford child support as a whole, just that he could not afford the unreasonably high child support Ms. Maggio gained against him.

92. Again, Ms. Maggio may have informed Ms. Midkiff Mr. Hadel signed his legal rights to his children away due to not affording child support, but Ms. Midkiff did nothing to verify the truthfulness of that accusation and chose to post that defamatory remark to a public Facebook page without any verification.

93. Mr. Hadel was never behind on child support payments by thousands of dollars.

94. Mr. Hadel was court ordered to pay child support for both his children.

95. The child support for his son was a reasonable amount consented to by both him and the mother, but the child support for his daughter, with Ms. Maggio, was unreasonably high.

96. Mr. Hadel did struggle at some points to keep up with his child support, but at no point did he owe thousands of dollars due to a blatant disregard for the obligation.

97. For Mr. Hadel's daughter with Ms. Maggio, he was not even aware of the child support obligation until almost two (2) months after the order was put into effect due to Ms. Maggio deceiving Mr. Hadel. Ms. Maggio was well aware Mr. Hadel was unaware of his child support obligations for some time, yet still asserted he was not paying due to a blatant disregard for the obligation.

98. Again, Ms. Midkiff took Ms. Maggio on her word that Mr. Hadel owed thousands of dollars in back child support without doing anything to verify the truthfulness of Ms. Maggio's assertions before posting her defamatory statement.

99. Ms. Midkiff has shown she either has a complete and utter malicious disregard for the truth or knows her statements are patently false and maliciously posts them anyways in furtherance of her collusion with Ms. Maggio to ruin Mr. Hadel's reputation and character to the public.

100. Ms. Midkiff has commented on every post regarding Mr. Hadel, and every one of her comments contain a defamatory statement regarding Mr. Hadel.

101. Ms. Midkiff has no regard for the damage her defamatory comments can and have caused to Mr. Hadel, and she has shown she will continue to defame Mr. Hadel if she is not held to the consequences of her actions.

102. Ms. Midkiff does not believe there are any consequences for posting endless defamatory statements regarding Mr. Hadel.

103. Ms. Midkiff not only comments her defamatory statements but she interreacts with other people commenting and viewing so that they are aware of her defamatory accusation against Mr. Hadel.

104. Ms. Midkiff has shown through her defamatory comments, she harbors a blind hatred of Mr. Hadel, a person she barely even knows or has ever interacted with and will continue to defame Mr. Hadel's reputation and character to further her blind hatred of Mr. Hadel.

105. There is no doubt Ms. Midkiff will continue to defame Mr. Hadel's character and reputation to the public, as she has made defamatory comments spanning over a year.

CAUSES OF ACTION

COUNT I

Maryland Common Law Tort

Libel Per Se

106. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 105 of this Complaint with the same effect as through fully set forth herein.

107. Ms. Midkiff posted defamatory statement regarding Mr. Hadel sexually assaulting/abusing multiple women on a public Facebook page which has thousands of members, not including Mr. Hadel.

108. Ms. Midkiff's defamatory statement regarding Mr. Hadel sexually assaulting/abusing women is patently false.

109. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel sexually assaulting/abusing

multiple women came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

110. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

111. Ms. Midkiff's comment regarding Mr. Hadel sexually assaulting/abusing multiple women is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

112. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT II

Maryland Common Law Tort

Libel Per Se

113. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 112 of this Complaint with the same effect as through fully set forth herein.

114. Ms. Midkiff posted defamatory statement regarding Mr. Hadel owing thousands of dollars in child support on a public Facebook page which has thousands of members, not including Mr. Hadel.

115. Ms. Midkiff's defamatory statement regarding Mr. Hadel owing thousands of dollars in child support is patently false.

116. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel owing thousands of dollars in child support came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

117. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

118. Ms. Midkiff's comment regarding Mr. Hadel owing thousands of dollars in child support is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

119. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT III

Maryland Common Law Tort

Libel Per Se

120. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 119 of this Complaint with the same effect as through fully set forth herein.

121. Ms. Midkiff posted defamatory statement regarding Mr. Hadel signing away his legal rights to his children on a public Facebook page which has thousands of members, not including Mr. Hadel.

122. Ms. Midkiff's defamatory statement regarding Mr. Hadel signing away his legal rights to his children is patently false.

123. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel signing away his legal rights to his children came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

124. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

125. Ms. Midkiff's comment regarding Mr. Hadel signing away his legal rights to his children is an accusation of moral turpitude.

126. A false accusation of moral turpitude is considered to have presumed damages due to the malicious nature of the accusations themselves.

COUNT IV

Maryland Common Law Tort

Libel Per Se

127. Mr. Hadel realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 126 of this Complaint with the same effect as through fully set forth herein.

128. Ms. Midkiff posted defamatory statement regarding Mr. Hadel engaging in unknown illegal and criminal activity on a public Facebook page which has thousands of members, not including Mr. Hadel.

129. Ms. Midkiff's defamatory statement regarding Mr. Hadel engaging in unknown illegal and criminal activity is patently false.

130. Ms. Midkiff was the person who wrote and posted the defamatory comment in the Facebook group. The defamatory comment regarding Mr. Hadel engaging in unknown illegal and criminal activity came from Kyleigh Midkiff's Facebook account. There is no question that Ms. Midkiff has sole ownership of any and all statements made from her personal Facebook account.

131. Ms. Midkiff's defamatory statement was posted with malice, Ms. Midkiff never even attempted to verify the veracity and truthfulness of her statement before she posted it to the public, her sole intention was to defame Mr. Hadel and collude with Ms. Maggio to ruin and tarnish Mr. Hadel's personal and professional reputation and character.

132. Ms. Midkiff's comment regarding Mr. Hadel engaging in unknown illegal and criminal activity is an accusation of criminal conduct or a criminal act that can be punishable up to and including imprisonment in the State of Maryland.

133. A false accusation of criminal conduct is considered to have presumed damages due to the malicious nature of the accusations themselves.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff BLAKE HADEL prays that judgment be entered in his favor and against Defendant KYLEIGH MIDKIFF, for compensatory damages, punitive damages, court costs, attorneys' fees, and such other relief as this Court deems just and equitable.

DEAMND FOR JURY TRIAL

Plaintiff BLAKE HADEL demands a jury trial pursuant to Maryland Rule 2-235.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave. Suite 207
Pikesville MD, 21208
Tel.484.332.0454
CFP: 23112901
sarahspitalnickesq@gmail.com

Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

/s/Sarah Spitalnick
Sarah Spitalnick Esq.

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of October 2024 a copy of the foregoing Plaintiff's First Amended Complaint was sent via MDEC to:

Kyleigh Midkiff
2841 Cedarhurst Rd.
Finksburg MD, 21048

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 1/13/2025 10:05 AM; Submission: 1/13/2025 10:05 AM
Envelope: 19505263

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
	)	
Defendant	)	Case No: C-06-CV-24-000259

NOTICE TO TAKE DEPOSITION

Plaintiff, BLAKE HADEL, by his attorney, Sarah Spitalnick Esq. pursuant to the Maryland Rules of Civil Procedure, will take the deposition upon oral examination of the below-named person on the date and time and at the location indicated below, or at another mutual agreed upon date, time and location, before a person duly authorized to administer an oath under Maryland law.

The deposition will be recorded via stenographic, audio, and/or videotaped means for the purpose of discovery and/or used as evidence and/or any other purposes permitted by the Maryland Rules of Civil Procedure, including use at trial, and will continue day to day until completed.

Name: Kyleigh Midkiff

Date: 02/13/2025

Time: 1:00pm

Place: Via Zoom or any other virtual means authorized by Maryland Civil Procedure Rules

TAKE NOTICE that on this 13th day of February 2025, via authorized virtual means, commencing at 1:00 p.m., before a Notary Public, or some other officer duly authorized to administer oaths and take depositions, the undersigned, by counsel, will proceed to take the depositions of Kyleigh Midkiff, upon oral examination. This deposition will be used for discovery or as evidence in this action under the Maryland Rules of Procedure. If this deposition is not completed on this day, the deposition will adjourn and will continue on another day until completed.

Dated: January 13, 2025

Respectfully submitted,

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 123112901
Counsel for the Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information, or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January 2025, a true and correct copy of the foregoing

Notice of Deposition was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
22 North Court St.
Westminster, MD 21157
Counsel for Defendant

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 4/1/2025 10:25 AM; Submission: 4/1/2025 10:25 AM
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BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

DENIED
04/15/2025
RICHARD R. TITUS

PLAINTIFF'S MOTION TO COMPELL

Plaintiff, BLAKE HADEL, by and through his counsel Sarah Spitalnick Esq., respectfully files this Motion to Compel and in support states the following:

1. On or about October 3, 2024, Plaintiff served his First Discovery Requests on the Defendant. *See* Docket 10/03/2024
2. Within the First Discovery Requests, it stated the Defendant had 30 calendar days to respond. *See* Exhibit 1
3. On or about November 3, 2024, the Defendant had failed to respond to the Plaintiffs Discovery Requests.
4. On or about November 6, 2024, the Plaintiff's counsel contacted the Defendants counsel requesting an update on when they will serve the Answers in good faith to resolve the discovery dispute. *See* Exhibit 2
5. The Defendant counsel stated they would have the Answers by November 15, 2024.
6. On or about November 15, 2024, Plaintiffs' counsel again contacted Defendants counsel requesting when the answers will be submitted. *See* Exhibit 2
7. Plaintiff's counsel then consented to the Defendant submitting her Answers by November 18, 2024.

8. The Defendant submitted her Discovery Answers on November 18, 2024.
9. The Plaintiff's counsel sent the Defendant a Discovery Deficiency Letter on or about December 5, 2024.
10. The Deficiency Letter had a response date of December 15, 2024.
11. The Defendant had failed to respond by December 15, 2024.
12. On or about December 16, 2024, Plaintiff's counsel contacted Defendants counsel regarding the failure to respond to the Deficiency Letter in good faith to resolve the discovery dispute. *See* Exhibit 3
13. Plaintiff's counsel consented to an extension to respond to December 27, 2024.
14. The Defendant failed to respond to the Deficiency Letter by December 27, 2024.
15. On or about December 30, 2024, Plaintiff's counsel again contacted Defendants counsel regarding when she will be submitting her response to the Deficiency Letter in good faith to resolve the discovery dispute. *See* Exhibit 3
16. The Defendant submitted her responses on December 31, 2024.
17. Within the Defendants Responses to Plaintiff's First Discovery Request No. 4: "Please provide all communications you had with Meghan Maggio that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications." The Defendant responded: "Many conversations between myself and Meghan are held over the phone. I did not keep a record of all of our communications. None at this time, but I will supplement should any become available."

18. Within the Defendants Responses to the Deficiency Letter, Request No. 4: “Please provide all communications you had with Meghan Maggio that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications.” The Defendants response to supplement her answer she stated “ I did not keep record of the text messages between myself and Meghan regarding this incident. I had the screenshots I provided because they were screenshots. I did not screenshot Meghan and I’s conversation so I do not have record of it.”
19. As of October 3, 2024, that Defendant was on notice that relevant discoverable material is her electronic communications with Meghan Maggio regarding this matter.
20. As of March 31, 2025, the Defendant has not submitted any communications between herself and Meghan Maggio.
21. On or about February 25, 2025, the Defendant was served with the Plaintiff’s Responses to the Defendants Second Set of Interrogatories.
22. The Plaintiff had not talked about or sent his responses to anyone before his responses were filed. *See* Exhibit 4
23. As of February 25, 2025, at 12:05pm the Defendant was served with the Plaintiff Responses through MDEC. *See* Exhibit 5
24. The Plaintiff’s Responses were not filed on the public docket. *See* Docket at 02/25/2025.

25. As of February 25, 2025, at 12:05pm, the only parties that had access to those documents would be the Plaintiff, Plaintiffs' counsel, the Defendant, and Defendants' counsel.
26. On or about February 15, 2025, at 2:37pm the Plaintiff was contacted by Meghan Maggio where she confronted the Plaintiff about what he wrote in his Responses to the Defendant's Second Set of Interrogatories. *See* Exhibit 4
27. Meghan Maggio then called the Plaintiff and told him the Defendant had sent her the Plaintiffs' Responses. *Id.*
28. Meghan Maggio also told the Plaintiff she was currently at work when she contacted him. *Id.*
29. The only way Meghan Maggio could have obtained the Plaintiff's Responses was directly from the Defendant.
30. The Defendant shared the Plaintiff's Responses through electronic means.
31. According to the Defendants response to Plaintiff's Discovery Request No. 4, if any communication between herself and Meghan Maggio relate to this litigation, she would be supplementing those communications.
32. As of March 31, 2025, the Defendant has yet to send any communications between herself and Meghan Maggio.
33. The Defendant has at minimum communications between herself and Meghan Maggio on or about February 25, 2025, that have not been disclosed. At most, the Defendant has communications with Meghan Maggio relating to this matter as far back as October 3, 2024, that have not been disclosed.

34. Plaintiff's counsel has attempted to resolve this discovery dispute without the Courts intervention, but the Defendant has still failed to adequately respond to the Plaintiff's discovery requests.
35. The Plaintiff had consented to two extensions of time to respond regarding the initial discovery and had consented to two extensions of time to respond regarding the Deficiency Letter, all which were requested and granted after the deadlines had pasted and the Plaintiff was the party to follow up about the responses.
36. Plaintiff had requested these communications on multiple occasions and has given the Defendant ample time to supplement, but the Defendant has shown an ignorance to following the Discovery rules.
37. The closure of Discovery for the above captioned matter is April 18, 2025.
38. The Plaintiff requests that the supplemented communications be submitted to the Plaintiff no later then April 8, 2025, ensuring the Plaintiff has time within the discovery period to supplement if needed based on the documents produced.
39. According to MD Rule 2-432, a party has violated the Rule if they were on notice of evidence requested and inadvertently or intentionally avoided disclosing the evidence or destroyed it.
40. According to MD Rule 2-433, a party has violated the Rule if they inadvertent or intentionally altered or destroyed evidence.
41. If the Defendant violated MD Rule 2-432 and/or 2-433, the Plaintiff respectfully requests sanctions be imposed.
42. These communications go to the heart of the Defendants defense of truth, the Plaintiff has the right to know if/what/when Meghan Maggio and the Defendant spoke about

regarding this matter. As the Defendant has admitted she got the majority of her information regarding the Plaintiff from Meghan Maggio.

43. The Defendant and Meghan Maggio's communications regarding the Plaintiff and this current matter, are very relevant to the Plaintiff's claims, as to whether Meghan Maggio told/continues to tell the Defendant untruthful information about the Plaintiff and this matter. This information goes directly to the malice of the Defendant.
44. An intentional with holding of relevant and (possibly) prejudicial evidence is an egregious violation of the Rules and prejudices the Plaintiff.

WHEREFORE, the Plaintiff, BLAKE HADEL, respectfully requests the Court to GRANT the Plaintiff's Motion to Compel, Compel the Defendant to supplement her communications with Meghan Maggio by April 8, 2025, award Plaintiff his reasonable attorney's fees and costs incurred to file this Motion, and award Plaintiff any other relief justified by the Court.

Respectfully Submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day April 2025, a true and correct copy of the foregoing Motion to Compel was sent via MDEC to counsel of record for the Defendant.

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 4/30/2025 9:07 AM; Submission: 4/30/2025 9:07 AM
Envelope: 21001477

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel Sarah Spitalnick Esq., respectfully files this Motion for Summary Judgement and in support states the following:

PRELIMINARY STATEMENT

Plaintiff respectfully submits this Motion for Summary Judgment, demonstrating that no genuine disputes of material fact exist to warrant a trial. Plaintiff asserts four claims of libel per se, each accompanied by actual malice, satisfying the elements of defamation under Maryland law: "(1) that Defendant made a defamatory statement to a third person, (2) that the statement was false, (3) that Defendant was legally at fault in making the statement, and (4) that Plaintiff thereby suffered harm." Indep. Newspapers, Inc. v. Brodie, 407 Md. 415, 441 (2009). Furthermore, when a plaintiff proves a statement is defamatory per se and demonstrates actual malice by clear and convincing evidence, a presumption of harm to reputation arises, allowing a trier of fact to award damages without further proof of injury. Harvey-Jones v. Coronel, 239 Md. App. 145, 155 (2018).

The record establishes that Plaintiff has met his burden on all elements: Defendant published defamatory statements to third parties, the statements are objectively false, Defendant is legally at fault for the publications, Defendant acted with actual malice by either knowing the

statements were false or demonstrating reckless disregard for their truth, and Plaintiff is entitled to presumed damages. Defendant admitted to publishing the statements of her own accord and confirmed her sole verification efforts relied on a biased source—Ms. Meghan Maggio—and unsubstantiated Facebook comments. Defendant's primary defenses—that the statements were true or her opinion—are unsupported by the record. No evidence, beyond Defendant's own assertions, substantiates the truth of her statements, while ample evidence demonstrates their falsity. Additionally, Defendant failed to produce any evidence disputing the statements' falsity or showing reasonable efforts to verify their accuracy prior to publication. Consequently, this matter is ripe for summary judgment as a matter of law, with no material facts in dispute and clear evidence of malice meeting the requisite standard.

For these reasons, and as further elaborated below, the Court should grant Plaintiff's Motion for Summary Judgment.

BACKGROUND

Plaintiff, BLAKE HADEL (hereinafter "Plaintiff"), and Defendant, KYLEIGH MIDKIFF (hereinafter "Defendant"), are acquainted solely through Mr. Hadel's child's mother, Meghan Maggio (hereinafter "Ms. Maggio"). Plaintiff has met Defendant on fewer than five occasions, during which they never discussed details of Plaintiff's personal life. Defendant, a close friend of Ms. Maggio for the past three years, is also the aunt of Ms. Maggio and Plaintiff's minor daughter. (Ex. D Midkiff Depo. 15 at ¶ 11–17 at ¶ 12)

Ms. Maggio and Plaintiff have maintained an adversarial relationship for the past four years, primarily due to Ms. Maggio's desire for a romantic relationship with Plaintiff, which Plaintiff has consistently rejected. (First Amended Complaint "FAC" ¶ 71) The two have been involved in prior court proceedings concerning their minor child (custody dispute), domestic

violence, and an unrelated civil matter. Ms. Maggio has publicly expressed, through social media and communications with Plaintiff, her belief that Plaintiff is dishonorable and unrespectable, particularly when she is displeased with him. Ms. Maggio has a documented history of stalking, harassing, defaming, and assaulting Plaintiff. Her extreme negative bias toward Plaintiff is well-documented through her social media activity and prior interactions. (Midkiff Deposition 36 at ¶ 1–37 at ¶ 11) Defendant acknowledged in her deposition that Ms. Maggio holds a negative opinion of Plaintiff. *Id.*

Defendant and Ms. Maggio have been close friends for over three years, with Defendant admitting she accompanied Ms. Maggio to court proceedings involving Plaintiff to provide support. (Midkiff Deposition 26 at ¶ 13–16 at ¶ 5) Defendant further confirmed she knows Plaintiff only through Ms. Maggio, and most of her knowledge about Plaintiff originates from Ms. Maggio. (Midkiff Deposition 15 at ¶ 7–16 at ¶ 5) Defendant admitted to disliking Plaintiff, describing him as a "disgusting excuse for a human being." (Midkiff Deposition 59 at ¶ 22–60 at ¶ 11) As of March 11, 2025, Defendant has not removed her defamatory comments from the relevant Facebook posts.

UNDISPUTED MATERIAL FACTS

1. Plaintiff and Defendant know each other solely through Ms. Maggio. (Midkiff Deposition 26 at ¶ 13–28 at ¶ 9)
2. Defendant has met Plaintiff in person fewer than five times. *Id.*
3. Defendant and Plaintiff have had fewer than five interactions. *Id.*
4. Plaintiff has never discussed his personal life with Defendant. (Midkiff Deposition 23 at ¶ 6–10)

5. Defendant became aware of Plaintiff in 2022 upon befriending Ms. Maggio. (Midkiff Deposition 26 at ¶ 13–28 at ¶ 9)
6. Defendant has been close friends with Ms. Maggio since 2022. *Id.*
7. Ms. Maggio and Plaintiff have had an ongoing adversarial relationship since 2021. (Blake Affidavit)
8. Ms. Maggio has frequently discussed Plaintiff and her opinions of him with Defendant. (Midkiff Deposition 31 at ¶ 14–18)
9. Ms. Maggio has a history of lying about her relationship with Plaintiff. (Blake Affidavit; Midkiff Deposition 35 at ¶ 16–36 at ¶ 6)
10. Ms. Maggio has not disclosed all details of her relationship with Plaintiff to Defendant. (Midkiff Deposition 108 at ¶ 20–109 at ¶ 13)
11. Defendant is unaware of the full extent of Ms. Maggio's relationship with Plaintiff. *Id.*
12. Defendant believed Ms. Maggio interacted with Plaintiff solely for co-parenting their daughter. (Midkiff Deposition 45 at ¶ 6–46 at ¶ 12)
13. Defendant was unaware that, over the past two years, Ms. Maggio has continued to pursue a romantic relationship or friendship with Plaintiff. (Midkiff Deposition 35 at ¶ 9–36 at ¶ 6)
14. Defendant was unaware, until her deposition, that Ms. Maggio has continued to buy Plaintiff food, assist with appointments, and seek his help. (Midkiff Deposition 45 at ¶ 6–18; Ex. E Hadel Declaration ¶ 5)
15. Defendant obtained all her information about Plaintiff from Ms. Maggio and the Facebook group "Are We Dating the Same Guy? Baltimore/Columbia/Maryland." (Midkiff Deposition 66 at ¶ 6–18)

16. Defendant accepted Ms. Maggio's statements about Plaintiff as true without verification. (Midkiff Deposition 69 at ¶ 3–9)
17. Defendant accepted comments from the Facebook group about Plaintiff as true without verification. (Midkiff Deposition 54 at ¶ 7–54 at ¶ 22)
18. Defendant acknowledges that not all comments on the relevant Facebook page are accurate or truthful. (Midkiff Deposition 69 at ¶ 3–9)
19. Defendant's only activity on the relevant Facebook page was commenting about Plaintiff. (Midkiff Deposition 54 at ¶ 7–10)
20. Defendant has never met Lynnsey Fullano, the mother of Plaintiff's son. (Midkiff Deposition 108 at ¶ 2–3)
21. Defendant learned of Plaintiff's son and Ms. Fullano solely through Ms. Maggio. (Midkiff Deposition 62 at ¶ 2–9)
22. Defendant's only knowledge of Ms. Fullano comes from Ms. Maggio. *Id.*
23. Defendant has never witnessed or interacted with Plaintiff's custody dispute involving Ms. Fullano. *Id.*
24. Defendant has no firsthand knowledge of Plaintiff's custody dispute with Ms. Fullano, including the consent order resolving that matter. *Id.*
25. Defendant sought no verification of her statements, asserting they were her opinion and thus did not require verification. (Midkiff Deposition 97 at ¶ 17–98 at ¶ 7, 31 at ¶ 19–32 at ¶ 2, 69 at ¶ 14–20)
26. Defendant holds a negative opinion of Plaintiff. (Midkiff Deposition 59 at ¶ 22–60 at ¶ 11)
27. Plaintiff has no criminal history. (FAC ¶ 5, 74, 75, 76)
28. Plaintiff has never been charged, convicted, or arrested for sexual assault. *Id.*

29. Plaintiff has never sexually assaulted any person. (Hadel Declaration ¶ 6; FAC ¶ 5, 74, 75, 76)
30. Defendant is unaware of Maryland's criminal statute for sexual assault. (Midkiff Deposition 72 at ¶ 21–73 at ¶ 2)
31. Defendant is unaware of what constitutes sexual assault under Maryland law. *Id.*
32. Plaintiff signed away his parental rights in the best interest of his children. (Ex. A, B)
33. Plaintiff did not sign away his parental rights due to inability to pay child support. *Id.*
34. Plaintiff does not owe thousands of dollars in child support. (Ex. C)
35. Defendant was aware that both mothers of Plaintiff's children requested he sign away his parental rights. (Midkiff Depo. 107 at ¶ 18–108 at ¶ 19)
36. Plaintiff does not engage in illegal activity. (FAC ¶ 5, 74, 75, 76)
37. Defendant never contacted any women on the Facebook group who commented on Plaintiff's picture to verify their postings. (Midkiff Deposition 31 at ¶ 19–31 at ¶ 2)
38. Defendant has never spoken about Plaintiff with anyone who holds a positive opinion of him. (Midkiff Deposition 99 at ¶ 7–100 at ¶ 8)
39. Defendant took no steps to verify statements about Plaintiff made by other women before accepting them as true. (Midkiff Deposition 68 at ¶ 19–69 at ¶ 9)
40. Most women who posted comments about Plaintiff either never met him or are anonymous. (Ex. G)
41. Defendant accused Plaintiff of committing crimes, including sexual assault, perjury, illegal conduct, and violating court orders—all criminal offenses under Maryland law.

LEGAL STANDARD

Summary Judgment

Under Maryland Rule 2-501, summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. Keesling v. State, 288 Md. 579, 583 (1980). The Court must view all facts and inferences in the light most favorable to the non-moving party. Knisley v. Keller, 11 Md. App. 269, 272 (1971). To defeat summary judgment, the non-moving party must present admissible evidence creating a genuine issue of material fact. Id. General allegations are insufficient; specific evidence of disputed facts is required to preclude summary judgment. Lynx, Inc. v. Ordnance Prods., Inc., 273 Md. 1, 7 (1974).

Libel Per Se

In a claim for libel per se, damages to Plaintiff's reputation are presumed, and Plaintiff need not specifically prove harm. Shapiro v. Massengill, 105 Md. App. 743, 773–774 (1995). If Plaintiff proves Defendant made defamatory statements with actual malice or reckless disregard for the truth, the injurious nature of the statements is self-evident, requiring no further proof. Gooch v. Maryland Mechanical Systems, Inc., 81 Md. App. 376, 391 (1990). Maryland law recognizes a presumption of harm to reputation from words actionable per se, and a trier of fact may award damages based on this presumption in an actual malice case. Id.

Regarding the defenses of truth and opinion, a defendant asserting truth must demonstrate the statement's veracity with evidence, while an opinion defense requires showing a reasonable person would interpret the statement as opinion or satire, not fact. Telnikoff v. Matusevitch, 347 Md. 561, 595–596 (1996). False statements of fact cannot evade liability by being framed as opinion. Milkovich v. Lorain Journal Co., 497 U.S. 1, 18 (1990). When an opinion implies underlying false facts, it remains actionable. Samuels v. Tschechtelin, 135 Md. App. 483, 544

(2000). To avoid liability for libel per se, a defendant must prove either the absence of actual malice, due diligence in verifying the statement's truth, or that the statement would not be taken as fact by a reasonable third party. *Id.*

ANALYSIS

Plaintiff Has Met His Burden of Satisfying the Elements of Libel Per Se on All Counts

Count III: Allegation of Plaintiff signing away his parental rights because he could not afford child support.

Plaintiff's Consent Orders terminating his parental rights explicitly state the termination was "in the best interest of the minor child." (Ex. A, B) Defendant's statement to the contrary is objectively false. She published this defamatory statement on a public Facebook page, viewed by thousands, directly referencing Plaintiff's photo. Defendant admitted the comment concerned Plaintiff and was made of her own volition. *See generally* Midkiff Depo. Her sole verification effort involved reviewing the Consent Order terminating Plaintiff's rights to his daughter with Ms. Maggio, which she admitted contained no reference to child support issues, instead confirming the termination was in the child's best interest. (Midkiff Deposition 31 at ¶ 19–32 at ¶ 8; 99 at ¶ 14–19) Defendant further admitted she never reviewed the Consent Order for Plaintiff's son with Lynnsey Fullano. (Midkiff Deposition 105 at ¶ 1–106 at ¶ 16)

Under Maryland law, Md. Code Ann., Crim. Law § 9-101, a person commits perjury by willfully making a false statement under oath about a material fact in a court proceeding. Defendant's claim implies Plaintiff committed perjury by stating he signed away his rights in the best interest of his children, when she alleges it was due to inability to pay child support—a crime punishable by up to seven years in prison. The record conclusively shows Defendant's statement is false.

There is no dispute of material fact, and Plaintiff has met his burden on Count III. Summary judgment is proper in Plaintiff's favor on this count.

Count II: Allegation Plaintiff owes thousands of dollars of child support.

Defendant's claim that Plaintiff owes thousands of dollars in child support is objectively false. Plaintiff provided his child support receipt, which shows no such debt, and he is no longer court-ordered to pay child support. (Ex. A, B, C) Defendant produced no evidence during discovery to support her claim. She published this defamatory statement on a public Facebook page, viewed by thousands, directly referencing Plaintiff's photo, and admitted the comment concerned Plaintiff and was made of her own volition. *See generally* Midkiff Depo. Defendant's sole verification was a "receipt" allegedly shown by Ms. Maggio, which she claimed indicated Plaintiff was behind on payments. (Midkiff Deposition 24 at ¶ 20–25 at ¶ 1) However, Defendant failed to produce a legible copy of this receipt or any other supporting evidence.

Under Maryland law, Md. Code Ann., Fam. Law § 10-203, willfully failing to pay court-ordered child support without lawful excuse is a crime punishable by up to three years in prison. Defendant's statement accuses Plaintiff of violating this statute. The record establishes the statement's falsity.

There is no dispute of material fact, and Plaintiff has met his burden on Count II. Summary judgment is proper in Plaintiff's favor on this count.

Count IV: Allegation that Plaintiff engages in illegal activity

Defendant's claim that Plaintiff's mugshot would soon be posted on the Facebook group, implying illegal activity, is objectively false. Plaintiff has no criminal record, and Defendant produced no evidence of illegal activity. She claimed to have witnessed Plaintiff engage in illegal drug use but provided no supporting evidence. Defendant published this defamatory statement on

a public Facebook page, viewed by thousands, directly referencing Plaintiff's photo, and admitted the comment concerned Plaintiff and was made of her own volition. *See generally* Midkiff Depo. Her verification efforts consisted solely of an alleged observation of Plaintiff using drugs and conversations with Ms. Maggio, who has a known bias against Plaintiff. (Midkiff Deposition 29 at ¶ 19–30 at ¶ 8; 55 at ¶ 2–19; 36 at ¶ 1–37 at ¶ 11)

Under Maryland law, Md. Code Ann., Crim. Law § 5-601, possessing or administering a controlled dangerous substance without legal authorization is unlawful, punishable by up to four years in prison. Defendant's statement accuses Plaintiff of violating this statute. The record establishes the statement's falsity.

There is no dispute of material fact, and Plaintiff has met his burden on Count IV. Summary judgment is proper in Plaintiff's favor on this count.

Count I: Allegation Plaintiff sexually assaulted multiple women

Defendant's claim that Plaintiff sexually assaulted multiple women is objectively false. Plaintiff has no criminal record and has never been arrested, charged, or convicted of sexual assault or harassment. Defendant produced no evidence to support her claim, relying solely on unauthenticated Facebook comments and statements from Ms. Maggio. She published this defamatory statement on a public Facebook page, viewed by thousands, directly referencing Plaintiff's photo, and admitted the comment concerned Plaintiff and was made of her own volition. *See generally* Midkiff Depo. Defendant admitted she is unaware of Maryland's criminal statutes on sexual assault and what constitutes sexual assault under the law. (Midkiff Deposition 72 at ¶ 21–73 at ¶ 2)

Defendant submitted a comment by Kat Norman, which states Ms. Norman drove 30 minutes to Plaintiff's house to engage in sexual intercourse while Plaintiff was intoxicated and she

was sober. (Ex. F) Defendant admitted that an intoxicated party cannot form the requisite intent for sexual intercourse, undermining her claim of assault. (Midkiff Deposition 74 at ¶ 6–75 at ¶ 6) Other comments Defendant submitted were from women who either never met Plaintiff or only interacted with him online. (Ex. H; Plaintiff's Responses to Defendant's Second Set of Interrogatories) Defendant's reliance on Ms. Maggio, who has a known bias, and unauthenticated comments does not fulfill her duty to verify such serious allegations. (Midkiff Deposition 99 at ¶ 17–100 at ¶ 1; 66 at ¶ 2–67 at ¶ 7; 108 at ¶ 20–109 at ¶ 13)

Under Maryland law, Md. Code Ann., Crim. Law § 3-303, sexual assault includes engaging in sexual intercourse through force or threat of force without consent, a crime punishable by up to life in prison without parole. Defendant's statement accuses Plaintiff of violating this statute. The record establishes the statement's falsity.

There is no dispute of material fact, and Plaintiff has met his burden on Count I. Summary judgment is proper in Plaintiff's favor on this count.

Plaintiff need not plead specific damages for Libel Per Se.

Under Gooch v. Maryland Mechanical Systems, Inc., if a plaintiff proves malice or reckless disregard for the truth, damages are presumed, and specific proof of harm is not required. 81 Md. App. 376, 391 (1990). Plaintiff has demonstrated at least reckless disregard for the truth. Defendant admitted in her deposition that she took no steps to verify her statements, relying solely on unsubstantiated Facebook comments and Ms. Maggio, a source with a known bias against Plaintiff. (Midkiff Deposition 99 at ¶ 17–100 at ¶ 1) Defendant produced no evidence beyond her own statements to support the truth of her claims or show due diligence in verification. The record contains ample evidence of the statements' falsity, which Defendant could have easily discovered

through minimal inquiry, such as a conversation with Plaintiff or basic research into Maryland criminal statutes.

Defendant has taken no steps to mitigate Plaintiff's damages.

As of March 11, 2025, Defendant's defamatory statements remain on the Facebook page. Despite being on notice of their falsity since at least July 10, 2024, when served with Plaintiff's Complaint, and further through Plaintiff's discovery responses on December 5, 2024, Defendant has taken no action to remove the statements. During her deposition, Defendant was made aware of Ms. Maggio's unreliability as a source, yet she has allowed the statements to remain publicly accessible. This ongoing conduct demonstrates reckless disregard for the truth, both before and after the commencement of this suit, and suggests Defendant will continue to defame Plaintiff absent court intervention.

Plaintiff has shown there is no dispute of material fact.

Plaintiff has proven all elements of libel per se, and the record contains no evidence beyond Defendant's own statements to support the truth of her claims or her efforts to verify them. Defendant admitted to posting the defamatory statements, confirmed they concerned Plaintiff, stated she posted them of her own accord, took no steps to verify their accuracy, and published them to third parties. *See generally* Midkiff Depo. While Defendant did not admit the statements' falsity, the record is replete with admissible evidence proving their objective falsity.

Defendant's attempts to assert truth or opinion as defenses fail. (Midkiff Deposition 99 at ¶ 17–100 at ¶ 1) Ms. Norman's comment does not accuse Plaintiff of sexual assault and instead suggests Plaintiff lacked the capacity to consent. Other comments are either false or from individuals who never met Plaintiff. Plaintiff's child support receipt and Consent Orders disprove

Defendant's claims regarding child support and parental rights. (Ex. A, B, C) Plaintiff's clean criminal record contradicts allegations of illegal activity. Defendant admitted to relying heavily on Ms. Maggio, despite knowing her bias, and failed to verify the information. (Midkiff Deposition 15 at ¶ 18–16 at ¶ 1; 43 at ¶ 22–44 at ¶ 17)

CONCLUSION

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that this Court:

A. GRANT Plaintiff's Motion for Summary Judgement.

B. GRANT Plaintiff any other such relief the Court deems proper.

Respectfully Submitted,

/s/Sarah Spitalnick
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Phone: (484) 332-0454
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sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April 2025, a true and correct copy of the foregoing Plaintiff's Motion for Summary Judgement and Proposed Order was sent via MDEC and mail to counsel of record for Defendant:

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 5/14/2025 12:43 PM; Submission: 5/14/2025 12:43 PM
Envelope: 21197319

BLAKE HADEL,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case Number: C-06-CV-24-000259

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

NOW COMES the Defendant, Kyleigh Midkiff, by and through her counsel, Hannah Hansen, Esquire and Bauhof Legal, LLC, hereby files this Defendant's Response to Plaintiff's Motion for Summary Judgment, and respectfully submits to this Honorable Court that the Plaintiff has filed a Motion for Summary Judgment in this matter, claiming that there are no genuine disputes of material fact and that he is entitled to judgment as a matter of law. The Plaintiff's Motion for Summary Judgment ("Plaintiff's Motion) should be denied, as the Plaintiff is not entitled to judgment as a matter of law, and there exist numerous disputes of material fact as to the truth of the Defendant's statements.

PROCEDURAL BARRIER

On December 2, 2024, this Court issued a scheduling order setting forth the deadlines for filing dispositive motions such as the Plaintiff's Motion. The Scheduling Order states that "All motions (except motions in limine), including dispositive motions, and all amendments to pleadings must be filed 100 days prior to trial." This Scheduling Order dictated that the Plaintiff's Motion must be filed by April 27, 2025. The Plaintiff's Motion was not filed until April 30, 2025. Therefore, the Plaintiff's Motion is not properly before the Court and should be denied outright as time-barred by this Court's Scheduling Order. If this Court is inclined to consider the Plaintiff's Motion although it fails to meet the deadlines set forth in the Court's

Scheduling Order, the Defendant would ask this Court to grant the Defendant leave to file her own motion for summary judgment as well.

PRELIMINARY STATEMENT OF LAW

To establish a *prima facie* case of the common law tort of defamation in Maryland, the Plaintiff must establish four elements: "(1) that the defendant made a defamatory statement to a third person, (2) that the statement was false, (3) that the defendant was legally at fault in making the statement, and (4) that the plaintiff suffered harm." *Hosmane v. Seley-Radtke*, 227 Md. App. 11, 6 (2016). A "defamatory statement" is one that exposes a person to scorn, hatred, contempt, or ridicule. *Id.* at 7. The Plaintiff has the burden of proving falsity. *Id.* Claiming that a publication is an opinion is a complete defense to defamation, but the Defendant must show that a reasonable person would interpret the statement as opinion or satire, not fact. *Telnikoff v. Matusevitch*, 347 Md. 561, 596 (1996). When an opinion implies underlying false facts, it remains actionable. *Samuels v. Tschechtelin*, 135 Md. App. 483, 544 (2000).

If a statement is defamatory, false, and negligently made, then the Plaintiff must prove his actual damages resulting from the publication of the defamatory statement. However, damages may be presumed if the Plaintiff can prove by clear and convincing evidence that the Defendant acted with malice, that is, "actual knowledge that her statement is false, coupled with her intent to deceive another by means of that statement (not simply reckless disregard for the truth)." *Hosmane*, 227 Md. App. at 15; *see also Piscatelli v. Van Smith*, 424 Md. 294, 308–09 (2012).

The Plaintiff has alleged four separate counts of Libel Per Se stemming from a series of comments the Defendant made in a private Facebook Group titled "Are We Dating The Same Guy? | Baltimore / Columbia / Maryland" (the "Facebook Group"). The Plaintiff claims that for each count the record conclusively shows the Defendant's statement is false, defamatory, and made

with malice. The Plaintiff also claims that no reasonable disputes of material fact exist. *See* Plaintiff's Motion 1. On the contrary, the Defendant disputes facts that are material to every single claim the Plaintiff makes. Additionally, the Plaintiff has failed to meet his burden of proving that the Defendant's comments are false and that the Defendant acted with malice.

I.

Material Facts Disputed

A. Count I: Sexual Assault

Comment: "[The Plaintiff has] also been posted here several times because he has SA'd multiple women."

The Defendant contends that there were multiple posts on the Facebook Group claiming that the Plaintiff had sexually harassed or sexually assaulted other women. The Defendant produced these posts for the Plaintiff's review. Despite clear evidence of this statement's truth, the Plaintiff contends that he never did these things and that he did not even know the majority of the women who made these allegations. This misses the point of the comment entirely, and does not meet his burden of proving that the comment is false or that the Defendant acted with malice.

B. Count II: Child Support

Comment: "[The Plaintiff] owes thousands of dollars in child support."

The Defendant contends that the Plaintiff owed thousands of dollars in child support as of July 25, 2023, when the Defendant posted this statement. The Plaintiff contends that this statement is false, citing a DHS case summary report that shows the Plaintiff's arrears as of December 3, 2024, to be $0. This same case summary shows that, as of July 25, 2023, the Plaintiff owed $3,227.26 in child support. *See* Plaintiff's Exhibit C. The Plaintiff again has failed to meet his burden of proving that this comment is false or made with malice.

C. Count III: Signing Away Rights

Comment: "[The Plaintiff] signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away."

It is the Defendant's opinion that the Plaintiff's inability to afford child support contributed to his decision to sign away all rights he may have had to his children. The Plaintiff disputes this and claims the decision was based solely on the best interest of the children. However, the Plaintiff admits to signing away his rights and not being able to afford child support. He has failed to meet his burden of proving that this opinion was based on false underlying facts, or made with actual malice.

D. Count IV: Mugshot

Comment: "The next picture that gets posted of [the Plaintiff] will be a mugshot."

The Defendant's opinion, as stated in this post, is that the next picture posted of the Plaintiff could be his mugshot because of the type of activity she knew the Plaintiff to engage in. The Defendant contends that the Plaintiff has previously, and on multiple occasions, possessed and consumed illegal drugs. The Defendant also contends that the Plaintiff has been arrested before on charges of physical assault. The Defendant has provided court-documented proof of these contentions. *See* Defendant's Exhibits 2 and 3. The Plaintiff contends that he has never been engaged in any illegal activity, but offers no proof of this whatsoever. He has failed to meet his burden of proving that the Defendant's opinion was based on false underlying facts or that it was made with malice.

II.

Standard of Review

Pursuant to Maryland Rule 2-501, summary judgment is appropriate where there is no genuine dispute as to any material fact, and the moving party is entitled to judgment as a matter of

law. A material fact is one that, if resolved, would affect the outcome of the case. *King v. Bankerd*, 303 Md. 98, 111 (1985). "If the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine dispute as to any material fact and that the moving party is entitled to a judgment as a matter of law, summary judgment shall be rendered forthwith." *Cox v. Sandler's, Inc*., 209 Md. 193, 197 (1956). A trial court has the authority and should not be reluctant to grant a motion for summary judgment in an appropriate case. *Bond v. NJBCO, Inc.* 96 Md. App. 127, 134 (1993). An opponent of a motion for summary judgment "cannot rely on formal denials or general allegations," and must instead "identify with particularity the material facts that are disputed." *Id.* at 135.

As set forth herein, the Plaintiff's motion for Summary Judgment must be denied as he has failed to meet his burden of proving the falsity of all four comments that make up the four counts contained in the Plaintiff's Complaint, and there still exist genuine disputes of material fact as to the truth of these comments.

III.

Argument

A. Count I: Sexual Assault

Comment: "[The Plaintiff has] also been posted here several times because he has SA'd multiple women."

The Plaintiff claims that the Defendant "posted defamatory statement (sic) regarding Mr. Hadel sexually assaulting/abusing multiple women on a public Facebook page which has thousands of members, not including Mr. Hadel." *See* Plaintiff's First Amended Complaint 12.

The Defendant never claimed that Plaintiff sexually assaulted multiple women. Instead, the Defendant claimed that other women had previously *posted* about the Plaintiff on the Facebook

Group, accusing him of sexual assault. This claim is true and is supported by Plaintiff's Exhibits F and G, which document many such posts.

The Plaintiff (incorrectly) reads the Defendant's comment as accusing the Plaintiff of sexually assaulting multiple women. The Plaintiff denies that he has ever sexually assaulted or harassed these women. The Plaintiff has the burden of proving the Defendant's statement was false, and even if the Defendant was accusing the Plaintiff of sexual assault, which she was not, the Plaintiff would fail to meet his burden of proof. The only "proof" the Plaintiff has offered in support of his position that he did not sexually assault or harass any of the women accusing him of such is his word that he did not know some of these women, a legally invalid excuse of intoxication, and a criminal record that is clear of sexual assault convictions. Plaintiff's Motion 10–11. As to the last of these, as the saying goes, the absence of evidence is not evidence of absence.

Not only does the Plaintiff fail to prove the falsity of the Defendant's comment, but the Plaintiff's own Exhibits F and G offer proof of the *truth* of the Defendant's comment. Plaintiff's Exhibit F is a post made by a woman named Kat Norman. In her post she claims that the Plaintiff and herself began having sexual intercourse at his residence, "it started to get painful so [she] said 'stop' 3 different times and he did not listen and kept going before [she] pushed him off [her]." This is an accusation of sexual assault. The Plaintiff does not deny that this happened. Instead, he argues that because he was intoxicated that night, he could not have formed the intent required to sexually assault Ms. Norman. The Plaintiff is mistaken, as voluntary intoxication is not a valid defense for the sexual assault described. Md. Crim. Law § 3-303.

Plaintiff's Exhibit G contains a post by a woman named Abby Siever claiming that she had to block the Plaintiff from contacting her because he sent her too many unsolicited pictures of his

penis. Plaintiff's Exhibit G also contains a post by a woman named Holly Freeman claiming that the Plaintiff tried to grab her ass without her permission causing her to leave his residence and block all further communication from him. Plaintiff's Exhibit G also captures a post by a woman named Cristen Scifo wherein she claims that the Plaintiff sent her several unsolicited pictures, causing her to block further communication with him. The Plaintiff claims that all three of these reports are false and that he does not know these women. Plaintiff's Exhibit H at 3, 6, 8.

The Defendant commented that other women made posts on the private Facebook Group regarding the Plaintiff's sexually assaultive and harassing behavior. The Plaintiff's Exhibits F and G prove this statement is true as it documents multiple such posts. Thus, the Defendant has failed to meet his burden of proving the falsity of the Defendant's comment. Even if the Defendant's comment is read to be accusing the Plaintiff of such behavior, the Plaintiff has the burden of proving that that these multiple posts are false, and a simple denial from him fails to meet this burden. The Plaintiff also fails to prove this comment was made with actual malice by the Defendant.

B. Count II: Child Support

Comment: "[The Plaintiff] owes thousands of dollars in child support."

The Plaintiff claims that the Defendant "posted defamatory statement regarding Mr. Hadel owing thousands of dollars in child support on a public Facebook page." Amended Complaint 13. The Plaintiff further claims that, because he does not *currently* owe any child support, this claim is verifiably false. Plaintiff's Motion 9. However, this post was made by the Defendant on July 25, 2023, which means the correct question is not whether the Plaintiff currently owes thousands of dollars in child support, but rather, whether the Plaintiff owed thousands of dollars in child support on July 25, 2023, when the Defendant made the statement. By his own account, he did.

On April 7, 2023, an Order was entered in the case of Meghan Maggio v. Blake Hadel wherein Mr. Hadel was ordered to pay child support in the amount of $860.00 per month, beginning March 1, 2023. *See* Plaintiff's Exhibit B. The first recorded payment to Ms. Maggio through DHS was not until June 28, 2023, and was in the amount of $400. *See* Plaintiff's Exhibit C. However, only $362 was disbursed to Ms. Maggio on July 28, 2023. The next payment was made on July 12, 2023, and was in the amount of $1,000. However, only $710.74 was disbursed to Ms. Maggio. The next payment was not until August. So, the total amount owed by the Plaintiff as of the end of July was $4,300. The total amount paid to Ms. Maggio as of the end of July was $1,072.74. Therefore, as of July 25, 2023, the Plaintiff owed Ms. Maggio $3,227.26, making the Defendant's statement that he owed thousands of dollars in child support absolutely true. The Plaintiff has clearly failed to meet his burden of proving the Defendant's comment was false or made with actual malice.

C. Count III: Signing Away Rights

Comment: "[The Plaintiff] signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away."

The Plaintiff does not contest that he signed off his right to both of his children, but rather contests the reason for doing so. *See* Plaintiff's Motion 8. The Plaintiff insists that he did so because it was in the best interest of the minor children and that it had nothing to do with child support. The Plaintiff has admitted that he signed away his rights. The Plaintiff has also admitted that he could not afford the "unreasonably high child support Ms. Maggio gained against him." Plaintiff's Amended Complaint 10. Therefore, the facts underlying the Defendant's opinion are not false.

The Defendant heard many conversations between the Plaintiff and Ms. Maggio regarding

this issue. On one such instance, the Defendant was at the Plaintiff's house with Ms. Maggio and was present when the Plaintiff told Ms. Maggio that he could not afford child support and, after arguing with Ms. Maggio about child support, told his child that he wished she was never born. *See* Defendant's Exhibit 1.

It is certainly reasonable to believe that Mr. Hadel signed off his rights to both of his children because he wanted to stop paying the child support which he admittedly could not afford. It is arguably more reasonable than believing he signed away his rights because he believed it was in the best interest of his children. It is hard to understand how not receiving any financial support from their father would be in the best interest of the children, but very easy to understand how it would be in the best interest of the Plaintiff. Therefore, the Plaintiff has failed to meet his burden of proving that the Defendant's statement was false or that her opinion was based on false underlying facts. The Plaintiff has also failed to prove that the Defendant's comment was made with actual malice.

D. Count IV: Mugshot

Comment: "The next picture that gets posted of [the Plaintiff] will be a mugshot."

This is clearly an opinion held by the Defendant, as she could not possibly know or control what the next posted picture of the Plaintiff would be. She was giving her opinion that, based on the interactions she had with the Plaintiff, the things she had observed regarding the Plaintiff, and the posts she had read about the Plaintiff, the Plaintiff was heading down a path that could end with his mug shot being taken and/or posted to the Facebook Group. Although this was an opinion, it was based on verifiable evidence of criminal activity that was known to the Defendant at the time she made this opinion post.

The Plaintiff was previously charged with first and second degree assault and Ms. Meghan

Maggio was the listed victim in Case Number D-08-CR-22-000889. *See* Defendant's Exhibit 2. On November 3, 2022, the Plaintiff was arrested by the Baltimore County Police on an outstanding warrant. *See* Defendant's Exhibit 2. The warrant was issued as a result of the Plaintiff violating a condition of his release and contacting Ms. Maggio. Although the Defendant never saw the police report or criminal charges, the Defendant was aware of the same and was aware that the Plaintiff had been arrested. *See* Defendant's Exhibit 1.

The Defendant also knew Ms. Maggio when a default hearing was held at the Baltimore County Circuit Court, although the Defendant did not attend this hearing. *See* Defendant's Exhibit 1. At the hearing, the Court found that the Plaintiff was not a "fit and proper person to have the custody of or unsupervised visitation with the minor child." *See* Defendant's Exhibit 3. The Court made specific note of certain evidence that was presented showing that the Plaintiff was in possession of a syringe, was "nodding out" during a call with the minor child, was in possession of a marijuana joint, texted Ms. Maggio that he was "tripping hard," and posted on social media that he "just sniffed a ball of blow and popped a Molly." Defendant's Exhibit 3. The Defendant was not at the hearing, but reviewed the Court's findings and exhibits prior to posting any of the comments at issue in July of 2023. *See* Defendant's Exhibit 1.

The Defendant also reviewed posts on the Facebook Group regarding the Plaintiff. One such post by an anonymous member said that the Plaintiff "offered me a line of cocaine as 'coffee' which I declined." *See* Plaintiff's Exhibit F. Another post by Ms. Kat Norman detailed a Sexual Assault as described herein. These are both posts regarding the Plaintiff's criminal behavior.

The Defendant's opinion that a mugshot of the Plaintiff might be posted next was based on her knowledge of his past criminal charges for assault in the first and second degree, his arrest for having violated his conditions of release, his illegal drug use (blow, molly, cocaine, marijuana),

and the allegations of sexual assault made by Kat Norman.

The Plaintiff's only "proof" as to the falsity of the Defendant's comment is to reiterate that he has no criminal record and point out that the Defendant provided no supporting evidence for her claim. As previously stated, the burden of proof is on the Plaintiff to show the Defendant's comments are false, and he has failed to do that. He has also failed to prove that the comment was made with actual malice.

Conclusion

Summary Judgment in favor of the Plaintiff is not appropriate as to counts I-IV of the Plaintiff's Amended Complaint as the Plaintiff has failed to prove the falsity of the comments that form the basis for each count, has failed to prove that they were made with actual malice, and there still exist genuine disputes of material fact as to the truth of these comments. The Defendant claims that her comments were all true or were opinions based on truth and has provided evidence of the same. The Plaintiff claims the Defendant's comments were false but has provided little evidence of as much beyond simply stating that they are false. The Plaintiff has also failed to provide any evidence that the Defendant acted with actual malice, that is, that she knew the comments she were making were false and made them anyway. Therefore, Summary Judgment in favor of the Plaintiff must be denied, as he is not entitled to judgment as a matter of law. He has failed to prove at least two of the four elements of defamation on every count, namely, he has failed to prove that the Defendant's statements are false or that her opinions are based on underlying false facts, and he has failed to prove that she acted with actual malice.

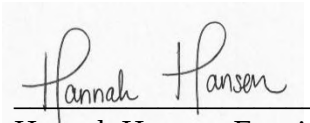
WHEREFORE, the Defendant respectfully requests,

A. That the Plaintiff's Motion for Summary Judgment be Denied; OR

B. That the Plaintiff's Motion for Summary Judgment be set for a hearing and that the Defendant be granted leave to file a Cross-Motion for Summary Judgment; and

C. And for such other and further relief as the nature of this cause may require.

Respectfully submitted,



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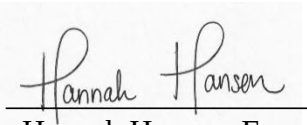
hannah@bauhoflegal.com
CPF # 2112140283
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 14th day of May, 2025, a copy of the foregoing Response was served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

E-FILED; Carroll Circuit Court
Docket: 5/19/2025 2:16 PM; Submission: 5/19/2025 2:16 PM
Envelope: 21257985

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S MOTION TO SEAL

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick, Esquire, respectfully submits this Motion to Seal. Defendant filed a police report as Exhibit 2 to her Opposition to Plaintiff's Motion for Summary Judgment ("Opposition") on the public docket without a Notice of Restricted Information Form. Exhibit 2 concerns an incident that was dismissed and expunged from Plaintiff's criminal record. Plaintiff's Reply to Defendant's Opposition, filed May 15, 2025, references Exhibit 2. For the reasons below, Defendant's Opposition, Exhibit 2, and Plaintiff's Reply should be removed from the public docket and filed under seal.

1. On or about April 27, 2025, Plaintiff filed his Motion for Summary Judgement, in accordance with the Scheduling Order dated December 12, 2025.
2. On or about April 29, 2025, Plaintiff was notified by the Court that the Motion for Summary Judgement had a technical error and needed resubmission.
3. On or about April 30, 2025, Plaintiff resubmitted his Motion for Summary Judgment to correct the technical error.

4. On or about May 14, 2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgement and a request for leave to file a Motion for Summary Judgement.
5. On or about May 14, 2025, in support of Defendants Opposition, Defendant filed Exhibit 2 on the public docket.
6. Exhibit 2 is a police report that references an incident between Plaintiff and Meghan Maggio.
7. Exhibit 2 is a police report that references charges and allegations that were dismissed and expunged from Plaintiff's criminal record. *See* Exhibit A.
8. Any records, police or court, that references charges or allegations of an expungement are covered by Maryland Rule 20-201.1.
9. Maryland Rule 20-201.1 clearly requires parties to file expungement documents under seal and off the public record.
10. On or about March 3, 2023, Plaintiff was given an order for the incident referenced in Exhibit 2 to be expunged from his record. *Id.*
11. On or about November 24, 2023, Plaintiff's request for expungement was granted and his record was cleared of the incident referenced in Exhibit 2. *Id.*
12. Exhibit 2 was previously expunged pursuant to Maryland Code, Criminal Procedure Article, § 10-101 et seq., and is therefore confidential and restricted from public disclosure.
13. This police report was filed on the public docket without a Notice of Restricted Information Form, was not disclosed in discovery, and Defendant has not stated how she acquired this confidential document.

14. The public filing of this expunged police report violates Maryland's expungement laws and exposes sensitive information, causing potential harm to Plaintiff.
15. Plaintiff has concurrently filed three Notice of Restricted Information (Form MDJ-008) to alert the Court of the restricted nature of the police report and both motions, as required by Maryland Rule 20-201.1.
16. Plaintiff requests that all future filing referencing Exhibit 2 to be filed under seal.
17. Plaintiff further requests that, if necessary, the Court schedule a hearing to address this Motion and any objections from the opposing party.
18. Plaintiff submits that sealing the expunged police report, Defendants Opposition, and Plaintiff Reply is in the interest of justice, protects the confidentiality mandated by Maryland law, and causes no prejudice to the opposing party, as the expunged record is not admissible to the proceedings.

WHEREFORE, the Plaintiff respectfully requests that this Court:

A. SEAL the expunged police report (Exhibit 2) and any related filings containing restricted information from public access;

B. REMOVE the unredacted Exhibit 2, Defendant's Opposition, and Plaintiff's Reply from the public docket;

C. DIRECT the Clerk of the Court to restrict access to the sealed documents to authorized parties only;

D. Award Attorney's Fees and Court costs associated with this Motion and;

E. GRANT and further relief the Court deems appropriate.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.

23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May 2025, a true and correct copy of the foregoing Motion to Seal and Notices of Restricted Information was sent via MDEC and mail to counsel of record for Defendant:

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 5/14/2025 12:43 PM; Submission: 5/14/2025 12:43 PM
Envelope: 21197319

BLAKE HADEL,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case Number: C-06-CV-24-000259

****

ORDER

Upon consideration of the Plaintiff's Motion for Summary Judgment, and the Defendant's Response thereto, it is this 21st of May, 2025 in the Circuit Court for Carroll County; **ORDERED**

A. That the Plaintiff's Motion for Summary Judgment is hereby DENIED.

JUDGE, CIRCUIT COURT
FOR CARROLL COUNTY

Entered: Clerk, Circuit Court for
Carroll County, MD
May 21, 2025

E-FILED; Carroll Circuit Court
Docket: 5/27/2025 12:45 PM; Submission: 5/27/2025 12:45 PM
Envelope: 21360988

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S MOTION FOR SANCTIONS UNDER SEAL

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick, Esquire, respectfully submits this Motion for Sanctions Under Seal ("Motion") pursuant to Maryland Rules 1-341, 2-433, and 20-201.1, and the Court's inherent authority. Plaintiff brings this defamation action against Defendant for false and harmful social media posts. Defendant's repeated discovery violations, improper filing of an expunged police report, and untimely submission of discoverable materials have prejudiced Plaintiff, delayed the case, and violated Maryland law. These actions warrant sanctions under Maryland Rules 1-341, 2-433, 20-201.1, and the Court's inherent authority to deter misconduct and protect the judicial process.

For the reasons set forth below, Plaintiff requests that the Court impose sanctions, including striking the improper filing, deem the Supplemental Screenshots on May 19, 2025, inadmissible, awarding attorney's fees and costs, and granting other relief as deemed appropriate.

I. STATEMENT OF FACTS

1. This action arises from four social media posts by Defendant, published in June 2023 and July 2024, falsely accusing Plaintiff of: (a) sexually assaulting multiple women, (b) signing away parental rights due to inability to pay child support, (c) owing back child

support, and (d) facing a mugshot due to illegal activity. *See* generally Amended Complaint.

2. On October 3, 2024, Plaintiff served his First Set of Discovery Requests on Defendant, including Interrogatories and Requests for Production, with responses due by November 3, 2024, per Maryland Rule 2-421(b). (Ex. 1).
3. The Requests included: "Request No. 2: All documents you intend to use as evidence in this proceeding"; "Request No. 3: All documents used to verify your social media posts"; "Request No. 4: All communications with Meghan Maggio related to the allegations in the Amended Complaint"; and "Request No. 8: All documents supporting your defense of truth." *Id*.
4. Defendant failed to respond by November 3, 2024.
5. On November 6, 2024, Plaintiff's counsel contacted Defendant's counsel in good faith, granting an extension until November 15, 2024. (Ex. 2).
6. On November 15, 2024, Defendant produced 26 documents, which were incomplete and unresponsive to several requests, including Request No. 4.*Id.*
7. On December 5, 2024, Plaintiff sent a Deficiency Letter identifying deficiencies in Defendant's responses, with a response due by December 15, 2024.
8. Defendant failed to respond by December 15, 2024.
9. On December 17, 2024, Plaintiff's counsel granted an extension until December 30, 2024, after contacting Defendant's counsel. (Ex. 3).
10. Defendant failed to respond by December 30, 2024, but provided a partial response on January 2, 2025, after further prompting.

11. On April 18, 2025, Plaintiff sent a Second Deficiency Letter, noting continued deficiencies, including missing communications with Meghan Maggio. (Ex. 4).
12. Defendant failed to respond by April 28, 2025, prompting Plaintiff's counsel to follow up on April 29, 2025. Defendant responded on May 5, 2025. (Ex. 5 and 6).
13. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, causing delays and increasing Plaintiff's litigation costs.
14. On April 27, 2025, Plaintiff filed a Motion for Summary Judgment, resubmitted on April 30, 2025, due to a technical MDEC error. (Court Docket).
15. On May 14, 2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgment, attaching as "Exhibit 2" an expunged police report filed by Meghan Maggio against Plaintiff for domestic assault, dismissed and expunged on November 24, 2023.
16. Defendant filed Exhibit 2 on the public docket without a Notice of Restricted Information (Form MDJ-008), in violation of Maryland Rule 20-201.1. *See* generally Defendant's Opposition to Summary Judgement
17. Exhibit 2 was responsive to Plaintiff's Discovery Requests Nos. 2, 3, and 8 but was not disclosed during discovery, in violation of Maryland Rule 2-401 et seq.
18. Plaintiff was unaware of Defendant's possession of the expunged police report until May 14, 2025.
19. A search on Maryland Judiciary Case Search confirms Plaintiff has no criminal history, consistent with the expunged status of the police report.
20. Defendant has not explained how she obtained the expunged police report or why it was not disclosed during discovery.

21. Exhibit 2 is referencing a police report made in 2022, well before this matter was filed.
22. Exhibit 2 was discoverable during the discovery period for this matter.
23. Defendant has given no argument on why Exhibit 2 was not disclosed in discovery.
24. On May 16, 2025, Plaintiff filed a Reply to Defendant's Opposition, arguing that Exhibit 2 was inadmissible due to its expunged status.
25. On May 19, 2025, after discovery closed and Plaintiff's Reply was filed, Defendant supplemented her discovery responses with screenshots of communications between herself and Meghan Maggio ("Supp. Screenshots"). (Ex. 7)
26. The Supp. Screenshots include Defendant requesting "evidence" from Maggio about Plaintiff, referencing "drugs" and "custody," and mentioning an unknown third party.
27. These communications were responsive to Request No. 4 but were not produced despite four requests during discovery. *Id.*
28. Defendant, who admitted to being best friends with Maggio, provided no justification for failing to disclose these communications earlier.
29. Within the Supp. Screenshots, are further screenshots of photos, court documents, and other screenshotted text communications, all of which were taken/ordered between 2022 and 2023, well before this matter was ever filed. *Id.*
30. Within the Supp. Screenshots, Defendant messages Ms. Maggio, to which Ms. Maggio immediately responds with the requested information. *Id.*
31. Defendant could have easily obtained these screenshots and "evidence" at any point during discovery, yet not only failed to do so but failed to do so four times when requested by Plaintiff.
32. Defendant only disclosed and/or obtained the screenshots after Plaintiff filed his Reply.

33. The untimely disclosure prejudices Plaintiff, who can no longer investigate the Supp. Screenshots, authenticate the communications, or identify the third party due to the close of discovery.
34. Had Defendant disclosed Exhibit 2 and the screenshots during discovery, Plaintiff could have moved to bar their use, conducted further discovery, and mitigated harm to his reputation.

LEGAL STANDARD

Maryland Rule 1-341

Maryland Rule 1-341 authorizes sanctions, including attorney's fees and costs, for filings made in bad faith, for an improper purpose, or without substantial justification. In *Blum v. Blum*, 59 Md. App. 584, 604 (1984), cert. denied, 301 Md. 639 (1984), the Court of Special Appeals upheld sanctions for bad faith filings that prolonged litigation. Similarly, in *Needle v. White, Mindel, Clarke & Hill*, 81 Md. App. 463, 476 (1990), sanctions were affirmed for pursuing claims without substantial justification, emphasizing deterrence of frivolous conduct.

Maryland Rule 2-433

For discovery violations, Maryland Rule 2-433 permits sanctions such as striking pleadings, precluding evidence, or awarding costs. In *Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 730 (2002), the Court of Special Appeals affirmed sanctions for willful discovery violations that prejudiced the opposing party. In *Bartholomee v. Casey*, 103 Md. App. 34, 48 (1994), the exclusion of undisclosed evidence was upheld to enforce discovery rules.

Maryland Rule 20-201.1

Filing restricted information on the public docket without a Notice of Restricted Information violates Maryland Rule 20-201.1. In *Reid v. State*, 305 Md. 9 (1985) the Court of Appeals emphasized protecting confidential records to prevent harm to privacy interests.

Criminal Procedure Article § 10-101 et seq.

Expunged records are confidential, and public disclosure violates Maryland law. In *State v. WBAL-TV*, 187 Md. App. 135, 151 (2009), the Court of Special Appeals underscored the confidentiality of expunged records. *See also Thomas v. State*, 397 Md. 557, 570 (2007) (affirming statutory protections for expunged records).

Court's Inherent Authority

The Court has inherent authority to sanction bad faith conduct that abuses the judicial process. *Taliaferro v. State*, 295 Md. 376, 390-91 (1983) (upholding sanctions for conduct undermining court proceedings).

ARGUMENT

Defendant's Discovery Violations Warrant Sanctions Under Rule 2-433

Defendant's willful failure to comply with discovery obligations prejudiced Plaintiff and delayed the case. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, despite Plaintiff's good-faith extensions. Defendant failed to produce communications with Meghan Maggio, responsive to Request No. 4, until May 19, 2025, well after discovery closed. The untimely disclosure of these Supp. Screenshots, which Defendant could have obtained earlier given her close relationship

with Maggio, prejudiced Plaintiff's ability to investigate or authenticate the evidence. Under *Hossainkhail*, 143 Md. App. at 730, such willful violations justify sanctions, including exclusion of the untimely evidence (*Bartholomee*, 103 Md. App. at 48).

Plaintiff requested these screenshots and other responsive discoverable documents multiple times during discovery, to which Defendant repeated no documents exist (i.e. Exhibit 2 and Supp. Screenshots). Defendant has given no reason on why these documents were not produced or secured during discovery. Defendant only disclosed the Supp. Screenshots after Plaintiff's Reply was filed. Defendant avoided securing and disclosing these documents until after discovery was closed and Plaintiff would not have the ability to investigate them further. Plaintiff requests that the May 19, 2025, screenshots be deemed inadmissible and that attorney's fees be awarded for costs incurred due to Defendant's non-compliance.

Defendant's Improper Filing of an Expunged Police Report Violates Rules 20-201.1 and 1-341

Defendant's filing of an expunged police report (Exhibit 2) on the public docket without a Notice of Restricted Information violated Maryland Rule 20-201.1 and Criminal Procedure Article § 10-101 et seq. (Facts 15-16). The report, dismissed and expunged on November 24, 2023, was confidential, and its public disclosure harmed Plaintiff's privacy and reputation *State v. WBAL-TV*, 187 Md. App. at 151. Defendant's failure to disclose the report during discovery, despite its responsiveness to Requests Nos. 2, 3, and 8, further violated Maryland Rule 2-401 et seq. This conduct lacks substantial justification and constitutes bad faith under Rule 1-341, as it unnecessarily prolonged litigation and caused harm (*Blum*, 59 Md. App. at 604). Plaintiff requests

that Exhibit 2 be stricken from the docket and sealed, with attorney's fees awarded for the costs of addressing this violation.

Defendant's Conduct Abuses the Judicial Process, Warranting Sanctions Under the Court's Inherent Authority

Defendant's pattern of missing deadlines, withholding discoverable materials, and filing confidential records demonstrates bad faith and abuse of the judicial process. By waiting until after Plaintiff's Reply to produce communications with Maggio, Defendant attempted to circumvent discovery rules and prejudice Plaintiff's case. Under *Taliaferro*, 295 Md. at 390-91, the Court may impose sanctions to deter such conduct. Plaintiff requests additional relief, including a warning or other sanctions, to ensure compliance with court rules.

CONCLUSION

Defendant's willful discovery violations, improper filing of an expunged police report, and untimely submission of evidence have prejudiced Plaintiff, delayed the case, and violated Maryland law. Plaintiff respectfully requests that the Court: (1) strike Exhibit 2 from the docket and seal it; (2) deem the May 19, 2025, Supp. Screenshots inadmissible; (3) award attorney's fees and costs; and (4) grant such other relief as the Court deems appropriate.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May 2025, a true and correct copy of the foregoing Motion for Sanctions Underseal was sent via MDEC and email to counsel of record for Defendant:

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 5/27/2025 12:45 PM; Submission: 5/27/2025 12:45 PM
Envelope: 21360988

BLAKE HADEL, *Plaintiff*, v. KYLEIGH MIDKIFF *Defendant*,	)	IN THE CIRCUIT COURT FOR CAROLL COUNTY CASE NO: C-06-CV-24-000259

PLAINTIFFS FIRST REQUEST FOR INTEROGITORIES, PRODUCTION OF DOCUMENTS, AND REQUEST FOR ADMISSIONS TO DEFENDANT

TO: Defendant KYLEIGH MIDKIFF (hereinafter "Ms. Midkiff") 2841 Cedarhurst Rd. Finksburg MD, 21048.

Plaintiff BLAKE HADEL (hereinafter "Mr. Hadel"), by his attorney Sarah Spitalnick Esq. serves this First Set of Interrogatories, Request for Production, and Request for Admissions to Kyleigh Midkiff. These Discovery Requests are continuing in nature so as to require supplementation up to trial. Please produce your responses within thirty (30) days of the date of service of these Discovery Requests to the undersigned representative at:

Sarah Spitalnick, Esq.
23 Walker Ave. Suite 207
Pikeville, MD 21208
Tel: (484) 332-0454
Email: sarahspitalnickesq@gmail.com

Dated: October 3, 2024

Respectfully submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2024, a copy of the foregoing was sent electronically via MDEC to:

Kyleigh Midkiff
2841 Cedarhurst Rd.
Finksburg MD, 21048.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

INSTRUCTIONS

A. These Discovery Requests shall be deemed to be continuing so that any additional Documents (defined herein) or information concerning these Requests which Ms. Midkiff later acquires, finds, or which later becomes known to Ms. Midkiff, up to and including the time of trial, shall be furnished reasonably promptly after such Documents or information is acquired, found or becomes known.

B. The Requests call for the production of all responsive documents, things, or information in Your possession, custody or control or available to You or other persons or entities acting on Your behalf.

C. Words and terms in the singular shall include the plural thereof, and all words of masculine gender shall include the female gender thereof. The use of a verb in any tense shall be construed as the use of the verb in all other tenses whenever necessary to bring within the scope of any demand responses that otherwise might be construed to be outside its scope.

D. All requests shall encompass all versions of a given document, and include drafts as well as attachments.

E. If a document or thing that is responsive to a Request was, but is not now, in Your custody or control, provide a statement containing the following information:

a. whether the document or thing is still in existence, and if so, the name and business address of each person in whose custody a copy of the document or thing may be found;

b. whether the document or thing has been lost or destroyed, and if destroyed, why, when and by whom;

c. whether the document or thing has been otherwise disposed of, including by transfer, stating who disposed of it, and the date and manner of disposition; and

d. a description of the contents of the document or thing, the names of the author(s) and addressee(s) of the document, and the date the document or thing was created.

F. To the extent that a portion or part of any document or thing is responsive to a Request, the Request shall be construed to call for production of the entire document or thing. Each document or thing shall be produced in its entirety, including attachments and enclosures sent or kept with the attachments.

G. If an objection is made to any portion or aspect of a Request on the ground that responsive documents, things, or information have already been produced or provided, an identification of such documents or things by Bates numbers, or information by Request number, shall be provided in lieu of producing the already-produced documents or things or responding to the Request.

H. If in responding to any Request You claim any objection as to the basis for not responding, respond to all parts of the demand to which Your objection does not apply. If an objection is made to any portion or aspect of a Request, documents, communications, things, or information responsive to the remainder of the Request shall be produced. If an objection is made on the basis of a privilege or work product claim, all portions of a document that are not privileged or work product shall be produced.

I. In the event that any information has been redacted from any document produced pursuant to these Requests, You must identify that information and the basis or bases upon which such information was redacted.

J. If a claim of privilege is asserted in objecting to any Request, identify the privilege (including work product) that is being claimed and, if the privilege is governed by state law, identify the privilege rule being invoked. With regard to all objections or responses which fail or refuse fully to respond to the following requests on the grounds that the documents or things sought

are privileged or otherwise protected from discovery, provide a privilege log that identifies, with respect to each document or tangible thing, the nature of the privilege claimed and, if applicable, the rule or law governing such privilege claim, and information that is sufficient to assess the merit of the claimed privilege or protection, including without limitation: (i) the type of document (e.g., memorandum, e-mail, etc.); (ii) the general subject matter of the document, including whether the primary purpose of the document was to seek or provide legal advice or services; (iii) the date of the document; and (iv) such other information as would be sufficient to identify the document for purposes of a subpoena duces tecum including, where appropriate, the author of the document and his or her job title, the addressees of the document and their job titles or capacities, any other recipients shown in the document and, where not apparent, the relationship of the author, addressees, and recipients to each other.

K. All Documents and things are to be produced in compliance with the Maryland Rules and either as they are kept in the usual course of business or by organizing and labeling them to correspond with the numbered paragraphs of these Requests. If any document responsive to these Requests was maintained or kept in a file folder, binder or other storage device that was labeled (or otherwise bore any information), produce the original copy of such label (and such information) in a way that Plaintiff can determine the content of the label (or other information) on the file folder, binder or other storage device in which each such responsive document was maintained or kept.

L. With respect to any document kept in any electronic format, each such document is to be produced in .tiff and or .pdf format, with applicable load files, and shall be text- searchable and include all meta-data associated with the electronic file from which the document derives, in particular the following non-privileged captured objective field data and metadata: BEGDOC,

ENDDOC, BEGATTACH, ENDATTACH, CUSTODIAN, PARENTID, CHILDID, BATESRNG, PRPERTIES, AUTHOR, FROM, TO, CC, BCC, SUBJECT, EMAILSUBJECT, DATESENT, TIMESENT, DATECREATED, TIMECREATED, DATERCVD, TIMERCVD, FILENAME, FILEPATH, FILESIZE, APPLICATION, FOLDERID, NATIVEFILE, DOCEXTENSION, HASH, and HEADER.

M. Unless otherwise specified, the relevant period concerning these Requests for the Production of Documents is January 1, 2020 through the present.

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Maryland Rules of Civil Procedure. As used herein, the following terms are to be interpreted in accordance with these definitions:

A. Capitalized terms not defined herein have the meanings ascribed to them in the Complaint.

B. The terms "all" and "any" shall be construed as "all and any."

C. The words "and" and "or" as used herein shall be construed both conjunctively and disjunctively, and each shall include the other whenever such a dual construction will serve to bring within the scope of a category any documents or information which would not otherwise be within its scope.

D. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) between two or more persons or entities, including, without limitation, written contact by such means as letters, memoranda, reports, computer transmission, electronic mail and attachments, telegrams, fax messages, and other correspondence, and oral contact by such means as meetings and telephone conversations.

E. "Document" means any and all information in tangible or other form, whether printed, typed, recorded, computerized, filmed, reproduced by any process, or written or produced by hand, and whether an original, draft, master, duplicate or copy, or notated version thereof, that is in Your possession, custody, or control. A draft or non-identical copy is a separate document within the meaning of this term.

F. As used herein, the terms “concerning,” “pertaining to,” “regarding,” and “relating to” are used in their broadest sense, and mean anything that, directly or indirectly, generally or specifically, regards, relates to, refers to, concerns, contains, constitutes, contradicts, supports, evidences, embodies, comprises, reflects, mentions, identifies, states, deals with, comments on, responds to, describes, analyses, or is in any way, directly or indirectly, relevant to the subject.

G. Capitalized terms not defined herein have the meanings ascribed to them in the Amended Complaint.

H. “You,” “Your,” or “Yours” refers to Ms. Midkiff, and includes all of Your Affiliates, agents, representatives, or other persons, organizations, or others acting or purporting to act on Your behalf, or under Your control.

I. “Ms. Midkiff” refers to Kyleigh Midkiff, and includes any persons or entities acting for them or on their behalf, including but not limited to all representatives, servants, agents, employees, contractors (including sub-contractors) officers, Affiliates or subsidiaries.

J. “Mr. Hadel” refers to Blake Hadel

INTEROGITORIES

1. List the names, address, phone numbers and basis of knowledge for each person who has persona knowledge of any relevant issue in this case, including each person that you

intended to call as a witness in these proceedings. Include in your answer a description of the matters or subjects about which the individual has personal knowledge.

2. State your full name, any former names or aliases, address, and date of birth.

3. Please identify every lawsuit (civil and/or criminal) where you have been a plaintiff or defendant, identifying the nature of the lawsuit, the date of such lawsuit, the court such lawsuit was filed and adjudicated (if applicable), the disposition of such lawsuit, and whether you were incarcerated associated with such lawsuit.

4. State whether You have ever declared bankruptcy. If the answer is in the affirmative, state the date, the court having jurisdiction, and the case number.

5. Please identify all documents that you believe support any defenses you may raise in regard to this matter.

6. Identify any person who has provided you with a written statement or opinion of any kind that relates to any allegation or claim raised in the Amended Complaint, and for each person, describe the substance of such statement or opinion and the date you obtained such statement or opinion.

7. Describe each posting you or anyone acting on your behalf has made to Facebook, LinkedIn, Instagram, Twitter, or any other Internet site or web log that in any way concerns or relates to the allegation in the Amended Complaint, or the existence of this lawsuit, including in your answer the date, substance, and the site to which the posting was made.

8. Set forth all facts and identify all documents that support, refer or relate to the statements as set forth generally in the Amended Complaint, including in your answer any evidence

of your defense of truth, any other witnesses to the defense of truth, and any police reports made relating to the statements you made regarding Mr. Hadel.

9. State the full names, addresses, and telephone numbers of all persons who assisted in the preparation of, or who prepared, your responses to these interrogatories, and for each individual, please state their role in preparing the interrogatory responses and identify all documents used to prepare your responses to these interrogatories.

10. State and describe in full your entire relationship you have had with Ms. Maggio from January 2020 until the present. Please include how you met, the status of the relationship now, and the status of the relationship at the time of the postings.

11. State and describe why you posted on the "Are We Dating the Same Guy?" Facebook page.

12. State and describe all comments you have made on the "Are We Dating the Same Guy?" Facebook page.

13. State and describe in full your relationship with Mr. Hadel, if any, from January 2020 until the present. Please include how you met, the status of the relationship now, and the status of the relationship at the time of the postings.

14. State and describe where and what you based your comment that Mr. Hadel sexually assaults women.

15. State and describe why you believe Mr. Hadel is a "disguising excuse for a human being".

16. State and describe how you became in control and possession of the text messages you allege are between Mr. Hadel and Kat Norman. A full answer would include when you

became in control of them, who/how you obtained them, and why you believe they are between Mr. Hadel and Kat Norman.

17. State and describe how you obtained control and possession over what you allege is Mr. Hadel's child support receipts. Specifically, who and why they gave you the receipt.

18. State and describe what you did, if anything, to verify all 4 comments in question in this suit. Please list all documents and persons you used to verify the information and the substance of each.

19. State and describe if anyone asked you to comment on the Facebook posts regarding Mr. Hadel. If so, state why they wanted you to comment on the Facebook post.

20. State and describe, if any, your relationship with Lynnsey Fullano. Please identify how you met Lynnsey Fullano, the nature of your relationship is with her, and state with specificity the information you gained from her.

21. Identify any and all documents you produce in reference to the Discovery requests. Specifically state where they come from, how they came to be in your control and possession, the reason you have them in your possession and control, and the substance of them.

22. State and describe Mr. Hadel's relationship with Ms. Maggio that you were aware of at the times you made the comments referenced in the Amended Complaint and presently. Please include when you became aware of their relationship, who had informed you of the relationship, and what documents, if any, were given/shown to you in reference to that relationship.

23. State and describe why you denied any Requests for Admissions. Please include all reasons for the denial and identify the documents any denials are based on.

24. State and describe what information you received from accompanying Ms. Maggio to her court hearing with Mr. Hadel. Please specify the date the information was received, the documents they are based on, the substance of the information, and the case in which the information was received.

25. State and describe when you communicated directly with Mr. Hadel regarding his past instances of sexual assault, why he signed his legal rights away to his children, his child support payments, and his supposed illegal activity. Please specify the date, how it was communicated, and the substance of the communication.

26. State and describe any and all direct communications you have had with other women who think negatively about Mr. Hadel, besides Ms. Maggio. Please describe when these conversations occurred, with whom, and the substance of those communications.

27. State and describe any and all direct communications you have had with other women who think positively about Mr. Hadel. Please describe when these conversations occurred, with whom, and the substance of those communications.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please provide all documents used in answering any and all of the Interrogatories.
2. Please provide all documents that you intend to bring as evidence during this proceeding.
3. Please provide all documents you used to verify the comments you made on the Facebook page.
4. Please provide all communications you had with Meghan Maggio that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications.

5. Please provide all communications you have had with any other person where you discussed the 4 statements referenced in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those conversations.
6. Please provide all communications you have had Lynnsey Fullano, if any, that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications.
7. Please provide all communications you have had with Mr. Hadel, if any. Please identify when the communications took place, the purpose, and the substance of those communications.
8. Please provide all documents that you believe goes towards your defense of truth for all allegation within the Amended Complaint.
9. Please provide all documents that relate to other posts within the Facebook group "Are We Dating the Same Guy?" that you have posted or commented on.
10. Please provide all documents that you contend support your assertion that your statement regarding Mr. Hadel signing away his parental rights was the truth. Please describe how you came to be in control and possession of those documents, where they came from, and the purpose of you gaining control and possession of them.

REQUEST FOR ADMISSION

1. Admit/Deny: You posted all the alleged defamatory comments referenced in the First Amended Complaint.
2. Admit/Deny: You received all information you know regarding Mr. Hadel from Meghan Maggio.

3. Admit/Deny: You never spoke directly to Kat Norman before posting the comment regarding Mr. Hadel sexually assaulting multiple women.
4. Admit/Deny: You have a negative opinion of Mr. Hadel.
5. Admit/Deny: You only know and know of Mr. Hadel through Meghan Maggio.
6. Admit/Deny: You are aware Mr. Hadel took out a Protective Order out on Meghan Maggio.
7. Admit/Deny: You were aware, at the time of the posting of the alleged defamatory comments, that Mr. Hadel had a clean criminal record.
8. Admit/Deny: You have personally seen Mr. Hadel's Consent Order that terminated his parental rights to his son with Lynnsey Fullano.
9. Admit/Deny: You have personally seen Mr. Hadel's Petition to Modify Child Support and Child custody with Lynnsey Fullano regarding his son.
10. Admit/Deny: You were aware, at the time of posting the alleged defamatory comments, that both Lynnsey Fullano and Meghan Maggio were the parties to request Mr. Hadel to sign his legal rights to his children away.
11. Admit/Deny: You know of all communications and interactions Mr. Hadel has ever had with Ms. Maggio
12. Admit/Deny: You know Meghan Maggio has a negative opinion of Mr. Hadel.

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff; Discovery Responses Overdue

3 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Tue, Nov 5, 2024 at 4:47 PM
To: Brad Bauhof <brad@bauhoflegal.com>
Cc: Sierra Fisher <sierra@bauhoflegal.com>

Good evening,

I had served Plaintiff, Mr. Hadel, Initial Discovery Requests to Defendant, Ms. Midkiff, on October 3, 2024. Her responses were due yesterday November 4, 2024. As of today, I have yet to receive any answers in response to the Discovery that was served.

I understand you were retained by the Defendant after Discovery was served and there could have been a miscommunication.

With that said, Defendant's Discovery Responses are overdue. Please advise when I can anticipate Defendant's complete discovery materials.

This correspondence is an effort to resolve a discovery dispute. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Sierra Fisher <sierra@bauhoflegal.com> Wed, Nov 6, 2024 at 1:12 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Good Afternoon:

Our client is scheduled to meet with our office on Thursday the 7th for purposes of discovery completion. We intend to forward discovery within one week.
Can you forward the word version of the discovery requests for our client? We will forward same at such time discovery is propounded on your client.

Thank you.
[Quoted text hidden]
--
Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
8 N. Court Street
Westminster, MD 21157
(410) 876-4500

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Wed, Nov 6, 2024 at 3:57 PM
To: Sierra Fisher <sierra@bauhoflegal.com>

Good afternoon,

Thank you for your prompt response.

I have attached the Word version of the Discovery Requests to this email.

Please let me know if you have issues accessing the document.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

10.05.24 Hadel, Blake Deff. Discovery Requests.docx
35K

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff; Discovery Responses Overdue

2 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Fri, Nov 15, 2024 at 9:06 AM
To: Brad Bauhof <brad@bauhoflegal.com>
Cc: Sierra Fisher <sierra@bauhoflegal.com>

Good Morning,

I am following up on our conversation last week.

We spoke last week on November 6, 2024, regarding your clients discovery responses for Hadel v. Midkiff. You stated you would have the discovery responses served within 1 week. Will you be serving your clients responses by the end of day today?

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Sierra Fisher <sierra@bauhoflegal.com> Fri, Nov 15, 2024 at 3:42 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hi Ms. Spitalnick:

We have a final draft to our client and are waiting on her final approval/signature. I expect by the end of the day or Monday at the latest. I apologize for the delay. Thank you for following up.
[Quoted text hidden]
--
Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
8 N. Court Street
Westminster, MD 21157
(410) 876-4500

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff Discovery

6 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Thu, Dec 5, 2024 at 6:29 PM
To: Sierra Fisher <sierra@bauhoflegal.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>

Good Evening,

I filed through MDEC my clients responses to the Defendants Discovery Requests.

Attached to this email is a Deficiency Letter regarding the Defendants Discovery Responses to the Plaintiffs Discovery Requests.

Please let me know if you have any questions or need anything further.

Thank you,
Sarah Spitalnick
--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

12.05.24 Hadel v. Midkiff Deficiency Letter.pdf
253K

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Mon, Dec 16, 2024 at 3:52 PM
To: Sierra Fisher <sierra@bauhoflegal.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>

Good afternoon,

I had sent a deficiency letter on December 5, 2024, referencing deficiencies in the Defendants discovery responses and that those deficiencies were to be rectified by December 13, 2024.

It is now December 16, 2024, and I have yet to receive any response regarding the deficiency letter.

Please advise on when the deficiencies will be rectified and sent.

If no response is given as to when the deficiencies will be rectified, I will be forced to file a Motion to Compel.

Please let me know if you have any questions.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

Sierra Fisher <sierra@bauhoflegal.com> Tue, Dec 17, 2024 at 8:02 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Good evening:

We ask that you please grant an extension to December 27 to respond to the deficiencies. Thank you.

PLEASE NOTE OUR ADDRESS HAS CHANGED. WE ARE NOW LOCATED AT 22 N. COURT STREET, WESTMINSTER, MD 21157.

Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
[Quoted text hidden]

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Wed, Dec 18, 2024 at 6:38 PM
To: Sierra Fisher <sierra@bauhoflegal.com>

Good evening,

I consent to extending the deadline to December 27, 2024.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Mon, Dec 30, 2024 at 5:12 PM
To: Sierra Fisher <sierra@bauhoflegal.com>, Brad Bauhof <brad@bauhoflegal.com>

Good Evening,

I had served the Defendant with the Plaintiffs First Set of Discovery Requests on October 3, 2024. The Defendants responses were due November 2, 2024. After the November 2nd date passed, I contacted you requesting when her responses would be served in furtherance of resolving the discovery issue. You requested a week extension to serve the Defendants responses, which we consented to. The Defendants responses were served on November 18, 2024, which was over the one week extension.

On December 5, 2024, I sent the deficiency letter regarding the Defendants responses with a due date of December 13, 2024. I received no communication from you regarding the deficiency letter until I sent a follow up email on December 16, 2024 inquiring about the responses and in furtherance of resolving the discovery issue. On December 17, 2024, after the deficiencies were due, you requested another extension to respond by December 27, 2024, to which we consented.

It is now December 30, 2024, and I have yet to received the Defendants deficiency responses.

The Plaintiff has been more than amenable to the Defendant being late with her discovery responses and consenting to extensions to reply. The Defendant has been untimely throughout the entire discovery process up to this point with serving her answers.

With that being said, if I am not in receipt of the Defendants responses to the deficiency letter by tomorrow, December 31, 2024, I will be forced to file a Motion to Compel.

Please let me know if you have questions.

Thank you,
Sarah Spitalnick

—
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick

23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

On Tue, Dec 17, 2024 at 8:02 PM Sierra Fisher <sierra@bauhoflegal.com> wrote:
[Quoted text hidden]

Sierra Fisher <sierra@bauhoflegal.com> Tue, Dec 31, 2024 at 8:43 AM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Ms. Midkiff's deficiency responses are attached.
[Quoted text hidden]
--
[Quoted text hidden]

Midkiff, Deficiency Response 123124.pdf
90K

Exhibit 4

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hadel v. Midkiff Continuing Discovery Deficiencies

2 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Fri, Apr 18, 2025 at 2:56 PM
To: Brad Bauhof <brad@bauhoflegal.com>, Sierra Fisher <sierra@bauhoflegal.com>

Good afternoon,

Please find attached Plaintiff's second Deficiency Letter.

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Deficiency Letter.pdf
675K

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Tue, Apr 29, 2025 at 9:10 AM
To: Brad Bauhof <brad@bauhoflegal.com>, Sierra Fisher <sierra@bauhoflegal.com>

Good Morning,

I had sent Defendant's second deficiency letter on 4/18/2025, with a response date of 04/26/2025.

It is now 04/29/2025, and I have not received a response to the deficiency letter.

Please advise on when a response will be given.

Thank you,
Sarah

[Quoted text hidden]

Exhibit 5

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Midkiff/Hadel

1 message

Sierra Fisher <sierra@bauhoflegal.com> Mon, May 5, 2025 at 2:36 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>, Hannah Hansen <hannah@bauhoflegal.com>

Ms. Spitalnick:

Please see attached response to deficiency letter.

--
Thank you,

Sierra Fisher
Bauhof Legal, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500

Midkiff, Answer to Final Information Required.pdf
80K

Exhibit 6

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hadel/Midkiff

1 message

Sierra Fisher <sierra@bauhoflegal.com> Mon, May 19, 2025 at 3:30 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>
Cc: Hannah Hansen <hannah@bauhoflegal.com>

Ms. Spitalnick:

Please see attached.

--
Thank you,

Sierra Fisher
Bauhof Legal, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500

12 attachments

IMG_3305.png
355K

IMG_3304.png
567K

IMG_3302.png
1014K

Exhibit 6

IMG_3301.png
891K

IMG_3303.png
1010K

IMG_3300.png
798K

IMG_3299.png
695K

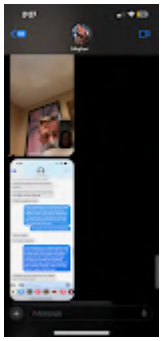


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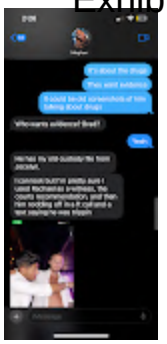
Exhibit 6



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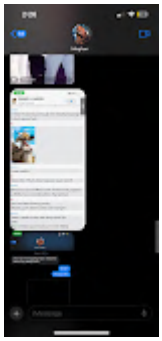
995K

IMG_3295.png
732K



IMG_3297.png
979K

Midkiff, Sup Disc Cover 051925.pdf
92K

Exhibit 7

2:26

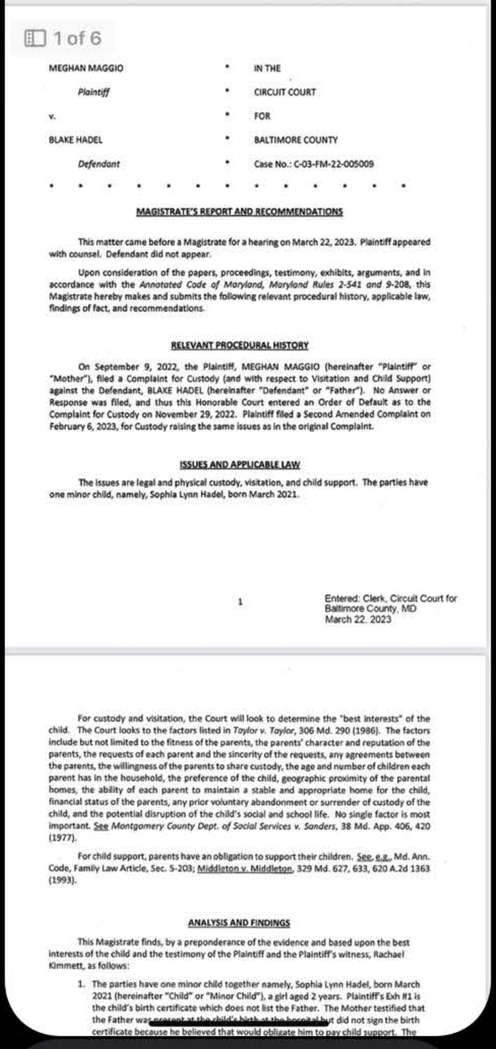
63

Meghan

Today 1:33 PM

Can you send me the evidence you sent to the court when he didn't show up to for custody

Idk if I have evidence bc the judge noted on the docket/recording of my hearing.



1 of 6

MEGHAN MAGGIO * IN THE

Plaintiff * CIRCUIT COURT

v. * FOR

BLAKE HADEL * BALTIMORE COUNTY

Defendant * Case No.: C-03-FM-22-005009

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9-208*, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

1

Entered: Clerk, Circuit Court for Baltimore County, MD March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The

Does this work?

It's about the drugs

iMessage

Exhibit 7

2:26

63

Meghan

It's about the drugs

They want evidence

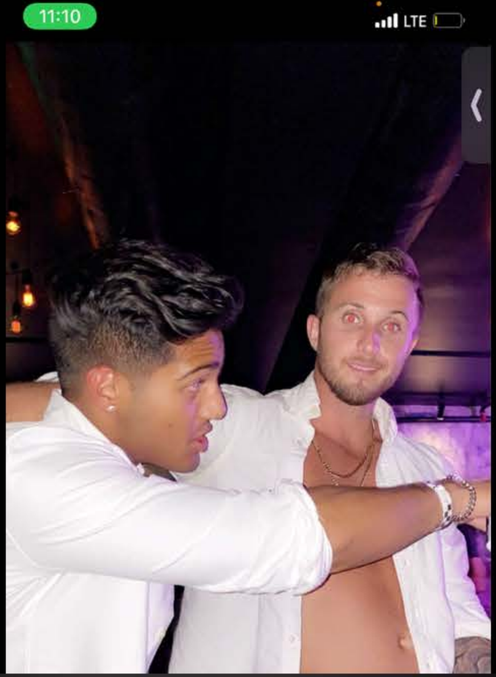
It could be old screenshots of him talking about drugs

Who wants evidence? Brad?

Yeah

He has my old custody file from Jocelyn.

I can look but I'm pretty sure I used Rachael as a witness, the courts recommendation, and then him nodding off in a ft call and a text saying he was trippin



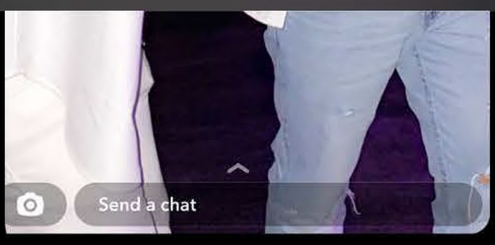
iMessage

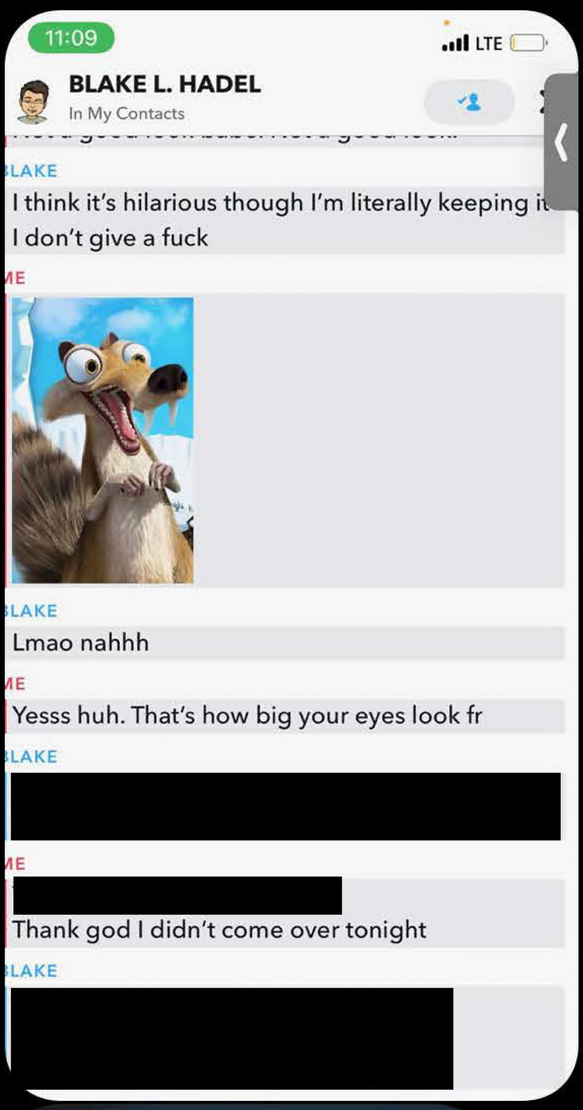
Exhibit 7

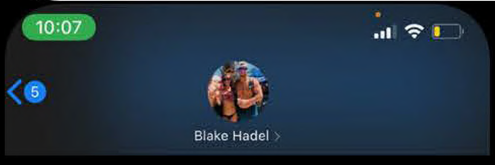
2:26

63

Meghan







Today 10:06 PM

[redacted]

What?

Are you ok?

[redacted]

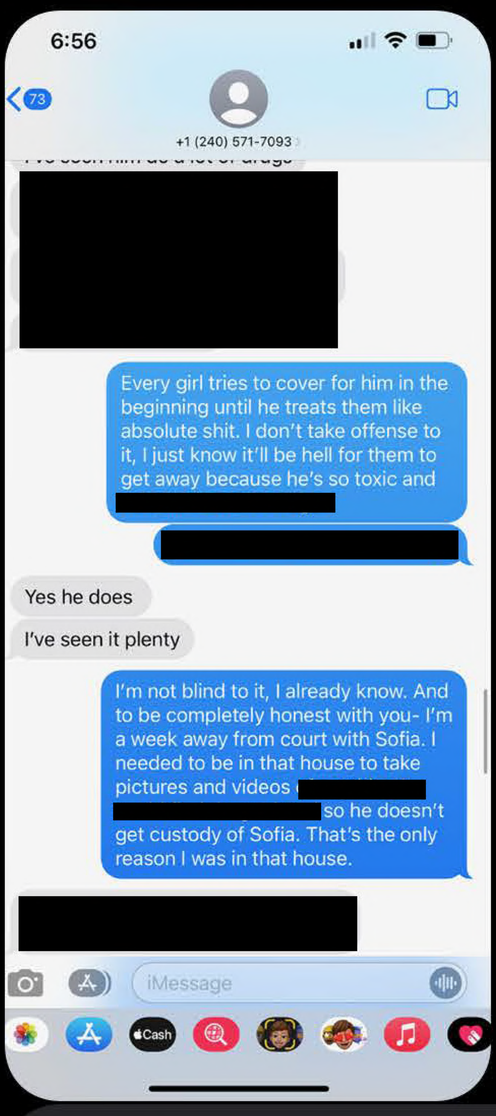
iMessage

Exhibit 7

2:27

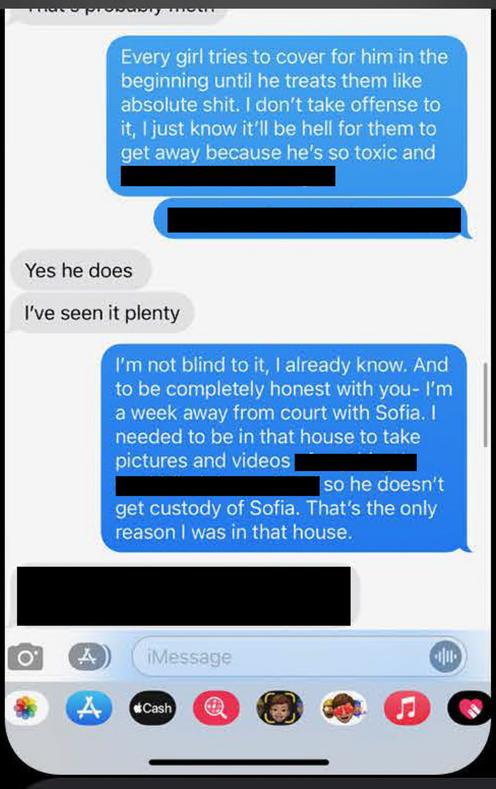
63

Meghan


6:56
73
+1 (240) 571-7093
[redacted]
Every girl tries to cover for him in the beginning until he treats them like absolute shit. I don't take offense to it, I just know it'll be hell for them to get away because he's so toxic and [redacted]
[redacted]
Yes he does
I've seen it plenty
I'm not blind to it, I already know. And to be completely honest with you- I'm a week away from court with Sofia. I needed to be in that house to take pictures and videos [redacted] so he doesn't get custody of Sofia. That's the only reason I was in that house.
[redacted]
iMessage
Cash

iMessage

Exhibit 7


Every girl tries to cover for him in the beginning until he treats them like absolute shit. I don't take offense to it, I just know it'll be hell for them to get away because he's so toxic and
[redacted]
[redacted]
Yes he does
I've seen it plenty
I'm not blind to it, I already know. And to be completely honest with you- I'm a week away from court with Sofia. I needed to be in that house to take pictures and videos [redacted] so he doesn't get custody of Sofia. That's the only reason I was in that house.
[redacted]
iMessage
Cash

This was texts between his old roommate and I

pdf

Court recommendations .pdf

PDF Document · 688 KB

Do you know the date the snap is from?

Or what year

Delivered

7/24/2022

And what was the roommates name?

E-FILED; Anne Arundel Circuit Court
Docket: 11/12/2024 11:21 PM; Submission: 11/12/2024 11:21 PM
Envelope: 18773589

ALAIN SEHEUT, 10 Bonton Court REISTERSTOWN, MD 21136 *Plaintiff*	)	IN THE CIRCUIT COURT
v.	)	FOR
PPE CASINO RESORTS MARYLAND, LLC 7002 Arundel Mills Cir Ste 7777 Hanover, MD, 21076-1280	)	ANNE ARUNDEL COUNTY CASE NO.
Defendant	)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ALAIN SEHEUT, by and through counsel, hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. Plaintiff ALAIN SEHEUT (hereinafter "Mr. Seheut") was constructively discharged on July 22, 2024, from his employment with PPE CASINO RESORTS MARYLAND, LLC (hereinafter the "Casino" or "Defendant").

2. Defendant operates a casino that is open 24 hours a day and serves alcohol.

3. The gambling industry inherently requires special attention to security concerns due its potentially volatile customer base who are prone to intoxication and emotional stress. Whenever the public is directly engaging in gambling and drinking, there is a potential for violence, especially directed at the Casino staff.

4. Every casino, including Defendant, spares no expense to protect the financial interests of the business, including cameras to monitor cheating and theft.

5. This Casino, however, does not value the physical and emotional wellbeing

of its staff the same way that it values its money and does not adequately allocate resources to maintain the security and safety of its employees the same way that it does for its money.

6. Mr. Seheut was physically battered and assaulted, and verbally assaulted by multiple patrons over a period of over ten years while employed at the Casino.

7. Mr. Seheut attempted on multiple occasions throughout his over 10 years of employment to report the conditions of employment and to encourage the Casino to enhance security.

8. The Casino did not address Mr. Seheut's concerns, and instead retaliated against him by demoting him, assigning him to deal at tables that received less tips, and assigning him a punitive shift schedule.

9. The Casino employs many immigrants, including Mr. Seheut. Knowing that immigrants are especially vulnerable, the Casino exploits this vulnerability to its advantage.

10. Mr. Seheut seeks an award from this court for compensatory damages, punitive damages, statutory damages, emotional distress, attorneys' fees, and court costs.

PARTIES

11. Plaintiff ALAIN SEHEUT is a resident of the state of Maryland.

12. Defendant PPE CASINO RESORTS MARYLAND, LLC. is a corporation having its principal place of business in Maryland.

JURISDICTION AND VENUE

13. Jurisdiction is proper pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501 and § 6-102, because the Casino's place of business is in Maryland.

14. Venue is proper pursuant to § 6-201 because the Casino's principal place of business is in Anne Arundel County.

FACTS

15. On April 1, 2013, Mr. Seheut was hired by the Casino as a dealer and worked at the Casino as a dealer until July 22, 2024.

16. During Mr. Seheut's employment at the Casino, he had a perfect record and was never subject to any discipline or reported on for any infractions.

17. There is a high turnaround rate with Casino employees, and it is highly unusual for a dealer to stay employed at the Casino for more than three years.

18. Mr. Seheut was employed for just over ten years.

19. He was popular and well-liked by many of the patrons and other employees.

20. Because of his unusually long tenure, his perfect employment record, his skill, and his experience, Mr. Seheut had senior status and was entrusted with dealing at the high limit tables, Pit 7.

21. In the first few years of his employment, Mr. Seheut was verbally and physically assaulted by patrons.

22. On several occasions, Mr. Seheut was pushed, shoved, and a violent patron almost punched Mr. Seheut.

23. Almost every shift he worked he was verbally assaulted by patrons.

24. This was a common experience and well-known among the Casino staff, including other dealers, waitresses, and bartenders.

25. Throughout his employment at the Casino, he personally witnessed multiple employees who were subject to extreme acts of physical violence and verbal abuse.

26. Employees are regularly harassed, yelled at, cursed at, and sometimes spit at and/or spit on, and even threatened by Casino patrons, who are often angry about losing money

and/or intoxicated from alcohol they had consumed at the Casino.

27. Many patrons who regularly came to the Casino threw objects in anger.

28. These acts were all captured on the Casino's security footage.

29. Though the Casino will occasionally instruct a security officer to ask a patron to leave, it is well-known and common for the Casino to allow a frequent offender to return to the Casino if that patron is a regular who often comes to gamble and provide the Casino with revenue.

30. The vast majority of the security guards that are employed by the Casino are unqualified and do not adequately respond to threats to the safety of Casino employees, including Mr. Seheut.

31. Dealers, waitresses, and bartenders sometimes respond to potentially dangerous situations involving angry and/or intoxicated patrons, even though this is not in their job description and should be addressed by security personnel. On many occasions the supervisors that were called for assistance with potentially dangerous patrons, did very little to assist the situation and even would tell Mr. Seheut that he needed to have "a thicker skin".

32. Mr. Seheut has personally on more than one occasion physically or verbally responded to angry and violent patrons, putting himself in harm's way.

33. The patrons are not deterred from bad behavior by the security guards because they know that the guards will not respond to violence unless it is extreme, and they do not fear that they will be permanently barred from the Casino for bad behavior.

34. All employees who are below management level fear for their safety on a regular basis. Many employees that verbally raise issues about safety concerns were told this is a Casino not a church, you need to have a tougher skin, and if its "that bad" go get another job.

35. The management of the Casino is well aware that the employees legitimately fear for their safety but rarely take measures to address these concerns.

36. The employees typically do not report their concerns to the management because they believe that the management is aware of the situation and fear that the only result of reporting their concerns will be retaliation.

37. The employees regularly discuss their safety concerns among themselves.

38. The employees also regularly discuss their common fear of reporting these concerns with the management and their belief that reporting the situation will only lead to retaliation by the management.

39. Over the years, employees have been injured at work, including an employee who was raped in the parking lot and an employee that was head butted.

40. The news has reported on multiple violent crimes that occurred outside the Casino in areas where Mr. Seheut and other employees must walk, sometimes late at night.

41. It is well known among the employees and the management that some of the lights and security cameras outside the Casino are inoperable and do not provide adequate security or deterrence, especially at night. Additionally, often when employees would leave the Casino there was no security presence in or around the darkened parking lot.

42. The Casino does not regularly or properly assign security guards to monitor the parking lot.

43. For the first few years of his employment, Mr. Seheut like the other employees, did not report his concerns officially in writing to the management for fear of retaliation.

44. After many years of employment, the situation became untenable. The incidents of physical abuse were common enough and serious enough that Mr. Seheut legitimately feared that he was in imminent danger of serious bodily injury.

45. Additionally, the constant fear of physical abuse, as well as the constant verbal abuse, was causing him to suffer emotional stress, depression, loss of sleep, and even physical symptoms.

46. In 2022, Mr. Seheut made his first official and written report of his concerns.

47. He suggested that the Casino implement a "customer code of conduct" that the Casino would make it a violation of Casino rules to physically or verbally assault or threaten an employee, or make derogatory remarks about the ethnic origin, race, accent, or assumed religion of any employee or other patron.

48. Mr. Seheut made suggestions for unacceptable behaviors to be included in a "code of conduct" for patrons. His supervisors developed and implemented a Code of Conduct that not did include any of his suggestions, was vague and ambiguous.

49. The Casino placated Mr. Seheut by hanging a "code of conduct" sign they created in a very small font and placing it above the security desk where when security personnel are seated or standing there, the sign is partly obscured, and very few people would stop to read it.

50. The Casino intentionally made the Code of Conduct vague and ambiguous.

51. It was not enforced by the Casino.

52. No other actions were taken by the Casino to address his concerns.

53. Mr. Seheut even heard managers mocking the "code of conduct" he requested. It was not taken seriously by anyone at the Casino.

54. After the "code of conduct" was placed on display by the Casino to placate Mr. Seheut, and the Casino continued to refuse to ensure the safety of Mr. Seheut and his fellow table game employees, Mr. Seheut made a formal complaint about the safety concerns.

55. Mr. Seheut had tried to avoid formally complaining to his supervisors for years because the Casino has a reputation for retaliating against any employee that complains about safety and security concerns.

56. Mr. Seheut made his first formal complaint about security and safety concerns in 2022.

57. Mr. Seheut's formal complaint was immediately met with aggression from the Casino.

58. The Casino took very few actions whatsoever to address his concerns.

59. Mr. Seheut continued to pursue his complaint because he knew his health would not improve and would continue to get worse if the Casino did not address his security and safety concerns.

60. Shortly after Mr. Seheut filed his complaint to his supervisors, Mr. Seheut's assigned shift schedule was drastically and negatively altered.

61. At the time of Mr. Seheut's formal complaint, he had seniority due to being employed with the Casino for over ten years and his perfect employment record.

62. Mr. Seheut was most often scheduled for shifts to work the "high rollers" tables, Pit 7. His preferred game to deal was Roulette.

63. Mr. Seheut's shift schedule was the envy of other dealers because the hours were manageable, and because he was a highly skilled dealer sought after to work at high limit tables and high limit Pit 7 where the players were somewhat more well-behaved so the danger of

physical and verbal abuse, though present, were less than the danger that exists at the tables with lower minimum bets which attract a type of customer that is more prone to anger and violence.

64. Additionally, there is a significant reputation and standing a dealer achieves when they are assigned to deal at the high roller tables/Pit 7 and Roulette. When a dealer is no longer assigned to deal at the high roller tables/Pit 7 and Roulette and reassigned to the lower value tables it is looked upon as a huge demotion. This kind of reassignment also damages the dealer's reputation because it comes with the assumption that the dealer cannot properly deal.

65. Shortly after Mr. Seheut made his complaint, his standard schedule with only two possible different start times of 8:00 p.m. to 4:00 a.m. or 10:00 p.m. to 6:00 a.m. changed at times to an erratic, difficult to manage schedule with four different start times of 5:00 p.m. to 1:00 a.m. 6:00 p.m. to 2:00 a.m., 8:00 p.m. to 4:00 a.m., 10:00 p.m. to 6:00 a.m.

66. Additionally, he began being assigned to the lower value tables, where the players would be more erratic and hostile to the dealers and would not tip generously or at all. He was also no longer assigned to deal Roulette.

67. Mr. Seheut complained to his supervisors about the retaliation.

68. His supervisors ignored his complaints and did not provide any legitimate reason for the drastic change in his work conditions that began shortly after he made a formal complaint.

69. Despite the retaliation, Mr. Seheut continued to complain about safety and security, even though he was being retaliated against and being forced to work difficult hours at lower value tables, because his health was unable to take the stress and harassment.

70. The Casino created a hostile work environment for Mr. Seheut not only through ignoring all safety and security concerns but also forcing Mr. Seheut into schedules that were difficult and punitive.

71. Mr. Seheut attempted to work through the hostility and retaliation for two years before his health was in such disarray that the only way for Mr. Seheut to regain his health was to resign.

72. Mr. Seheut attempted to do everything he could to work through the hostility and retaliation.

73. The Casino created a hostile work environment that directly led to Mr. Seheut's resignation.

74. The Casino created such a hostile work environment that it was impossible for Mr. Seheut to conduct his duties and continue his employment.

75. Mr. Seheut is an immigrant from France to the United States.

76. The overwhelming majority of employees at the Casino are also immigrants and/or other minorities racial groups.

77. Mr. Seheut's immigration status is known to the Casino not only through his employment records, but he also has a heavy and distinguishable French accent.

78. The Casino is on notice that many of the employees are immigrants and/or minorities and that these immigrants and/or minorities have a hard time gaining employment and are therefore likely to endure the conditions of employment at the Casino, more so than non-immigrants and non-minority employees.

79. There are immigrant employees that have been sponsored by the Casino, in which if they want to gain a green card they must stay employed at the Casino.

80. The Casino's policies discriminate against immigrants and minorities because the Casino understands it can exploit the vulnerabilities of immigrants and minorities.

81. The Casino's treatment of Mr. Seheut, including the hostile work environment, the lack of adequate concern for his physical safety, and the retaliation for reporting his concerns to the Casino were discriminatory based on Mr. Seheut's national origin.

82. There are white American born naturalized citizens that are employed at the Casino, that have complained about the security concerns, and although the Casino took no action, they were not retaliated against in the same way that Mr. Seheut was.

83. Further, they were not mocked in the same way that Mr. Seheut was mocked for suggesting the "code of conduct."

84. The Casino mocked Mr. Seheut because of his national origin.

85. In similarly situations, the white American born naturalized citizens were not treated in the same fashion as Mr. Seheut or the other immigrants in both treatment and retaliation of reporting concerns to management at the Casino.

86. Upon information and belief, employees there were not white, or immigrants were not subjected to the same treatment as Mr. Seheut.

87. Mr. Seheut can name these similarly situation individuals.

Causes of Action

COUNT I

Violation of Title VII of the Civil Rights Act of 1964

42 USC§ 2000e et seq.

Discrimination on the basis of national origin

88. Mr. Seheut realleges and incorporates by reference each and every allegation

contained in the foregoing paragraphs of this Complaint with the same effect as though fully set forth herein.

89. Defendant violated Title VII by discrimination against Mr. Seheut on the basis of his national origin.

90. Defendant is on notice of Mr. Seheut's national origin.

91. Mr. Seheut was targeted for mistreatment and had his safety/security concerns ignored due to his national origin.

92. It is well-known among the Casino employees that the Defendant treats immigrants different then natural born white Americans.

93. Defendant has not treated any natural born white American employees the way the Casino treated Mr. Seheut.

COUNT II

Violation of Title VII of the Civil Rights Act of 1964

42 USC§ 2000e et seq.

Retaliation

94. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as though fully set forth herein.

95. Defendant violated Title VII by retaliating against Mr. Seheut for filing a complaint against management regarding the safety and security issues at the Casino.

96. Defendant is on notice of Mr. Seheut's complaint.

97. Mr. Seheut had his shifts and positions demoted and changed directly after he filed his complaint.

98. Defendants' actions taken were retaliatory and harassing.

99. Mr. Seheut has the right to file complaints without fear of retaliation from the Defendant.

COUNT III

Maryland Common Law Tort

Wrongful Discharge

100. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as though fully set forth herein.

101. Defendant violated Maryland Common Law by harassing and retaliating against Mr. Seheut's until he untimely was forced into a constructive discharge. It is against public policy to discriminate and retaliate against an employee.

102. Defendant's actions were taken with the intent of forcing Mr. Seheut into a constructive discharge.

103. Mr. Seheut had a legal right to file complaints without fear of retaliation from the Defendant.

COUNT IV

Violation of Title VII of the Civil Rights Act of 1964

42 USC§ 2000e et seq.

Hostile Work Environment

104. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

105. Defendant violated Title VII subjecting Mr. Seheut to discrimination, harassment, retaliation, and constructive discharge based on his national origin.

106. Mr. Seheut is a first-generation immigrant to America; he was subjected to a hostile work environment with no security or safety and retaliation based on his national origin.

107. No other native born white American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

COUNT V

Violation of Title VII of the Civil Rights Act of 1964

42 USC§ 2000e et seq.

Hostile Work Environment Leading to Constructive Discharge

108. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

109. Defendant violated Title VII subjecting Mr. Seheut to discrimination, harassment, retaliation, and constructive discharge based on his national origin.

110. Mr. Seheut is a first-generation immigrant to America; he was subjected to a hostile work environment with no security or safety and retaliation based solely on his national origin.

111. No other native born white American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

112. Defendants created a hostile work environment that impeded Mr. Seheut's ability to do his job to the point where he needed to resign.

COUNT VII

Violation of Title VII of the Civil Rights Act of 1964

42 USC§ 2000e et seq.

Constructive Discharge

113. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

114. Defendant violated Title VII subjecting Mr. Seheut to discrimination, harassment, retaliation, and constructive discharge based on his national origin.

115. Mr. Seheut is a first-generation immigrant to America; he was subjected to a hostile work environment with no security or safety and retaliation based solely on his national origin.

116. No other native born white American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

117. Defendants created a hostile work environment that impeded Mr. Seheut's ability to do his job to the point where he needed to resign.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALAIN SEHEUT prays that judgment be entered in his favor and against Defendants PPE CASINO RESORTS MARYLAND, LLC for compensable damages, plus interest, statutory damages, punitive damages, attorneys' fees, expert witness fees, and his costs of suit, and such other relief as this Court deems just and equitable.

WHEREFORE, Plaintiff ALAIN SEHEUT prays that the Court order Defendant to 1) cease retaliating against employees that report safety/security concerns; 2) implement internal

policies and procedures designed to ensure that employees do not run afoul of the antidiscrimination laws of the United States and; 3) cease all activities, employment practices, and internal policies that create a hostile discriminatory environment against immigrants.

DEMAND FOR JURY TRIAL

Plaintiff ALAIN SEHEUT demands a trial by jury.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

Jonathan Gross Esq.
2833 Smith Ave., Suite 331
Baltimore MD, 21209
Phone: (443) 813-0141
MD Bar ID: 1912170138
jonathansgross@gmail.com
Counsel for Plaintiff

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: SARAH SPITALNICK
23 WALKER AVENUE
SUITE 207
PIKESVILLE MD 21208

Case Number: **C-02-CV-24-002906**

ALAIN SEHEUT VS. PPE CASINO RESORTS MARYLAND LLC

ORDER TO FILE INFORMATION REPORT (CCIR)

Upon review of the file, an information report has not been filed in the above-referenced case as required by Maryland Rule 2-111(a). Until the required report is filed with the Court, the summons will not be issued and no further action will be taken in the case. Therefore, it is hereby

ORDERED that an information report[1] shall be filed as required by Maryland Rule 2-111(a) within 10 days of entry of the Order. Failure to do so may result in a dismissal without further Order of this Court.

11/13/2024
Date

Judge
Circuit Court for Anne Arundel County

[1] Please visit http://www.courts.state.md.us/courtforms/ to obtain a copy of the information report (CCIR).

E-FILED; Anne Arundel Circuit Court
Docket: 11/14/2024 9:58 AM; Submission: 11/14/2024 9:58 AM
Envelope: 18796727

IN THE CIRCUIT COURT FOR Anne Arundel County
(City or County)

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

***Plaintiff*:** This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a).

***Defendant*:** You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT CASE NUMBER C-02-CV-24-002906 (Clerk to insert)

CASE NAME: ALAIN SEHEUT (Plaintiff) vs. PPE CASINO RESORTSMARYLAND, (Defendant)

PARTY'S NAME: PHONE:

PARTY'S ADDRESS:

PARTY'S E-MAIL:

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Sarah Spitalnick Esq PHONE: 4843320454

PARTY'S ATTORNEY'S ADDRESS: 23 Walker Ave. Suite 207 Pikesville MD 21208

PARTY'S ATTORNEY'S E-MAIL: sarahspitalnickesq@gmail.com

JURY DEMAND? ☒ Yes ☐ No

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known:

ANTICIPATED LENGTH OF TRIAL?: hours 2 days

PLEADING TYPE

New Case: ☒ Original ☐ Administrative Appeal ☐ Appeal

Existing Case: ☐ Post-Judgment ☐ Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (*Check one box.*)

TORTS
- ☐ Asbestos
- ☐ Assault and Battery
- ☐ Business and Commercial
- ☐ Conspiracy
- ☐ Conversion
- ☐ Defamation
- ☐ False Arrest/Imprisonment
- ☐ Fraud
- ☐ Lead Paint - DOB of Youngest Plt:
- ☐ Loss of Consortium
- ☐ Malicious Prosecution
- ☐ Malpractice-Medical
- ☐ Malpractice-Professional
- ☐ Misrepresentation
- ☐ Motor Tort
- ☐ Negligence
- ☐ Nuisance
- ☐ Premises Liability
- ☐ Product Liability
- ☐ Specific Performance
- ☐ Toxic Tort
- ☐ Trespass
- ☐ Wrongful Death

CONTRACT
- ☐ Asbestos
- ☐ Breach
- ☐ Business and Commercial
- ☐ Confessed Judgment (Cont'd)
- ☐ Construction
- ☐ Debt
- ☐ Fraud
- ☐ Government
- ☐ Insurance
- ☐ Product Liability

PROPERTY
- ☐ Adverse Possession
- ☐ Breach of Lease
- ☐ Detinue
- ☐ Distress/Distrain
- ☐ Ejectment
- ☐ Forcible Entry/Detainer
- ☐ Foreclosure
  - ☐ Commercial
  - ☐ Residential
  - ☐ Currency or Vehicle
  - ☐ Deed of Trust
  - ☐ Land Installments
  - ☐ Lien
  - ☐ Mortgage
  - ☐ Right of Redemption
  - ☐ Statement Condo
- ☐ Forfeiture of Property / Personal Item
- ☐ Fraudulent Conveyance
- ☐ Landlord-Tenant
- ☐ Lis Pendens
- ☐ Mechanic's Lien
- ☐ Ownership
- ☐ Partition/Sale in Lieu
- ☐ Quiet Title
- ☐ Rent Escrow
- ☐ Return of Seized Property
- ☐ Right of Redemption
- ☐ Tenant Holding Over

PUBLIC LAW
- ☐ Attorney Grievance
- ☐ Bond Forfeiture Remission
- ☐ Civil Rights
- ☐ County/Mncpl Code/Ord
- ☐ Election Law
- ☐ Eminent Domain/Condemn.
- ☐ Environment
- ☐ Error Coram Nobis
- ☐ Habeas Corpus
- ☐ Mandamus
- ☐ Prisoner Rights
- ☐ Public Info. Act Records
- ☐ Quarantine/Isolation
- ☐ Writ of Certiorari

EMPLOYMENT
- ☐ ADA
- ☐ Conspiracy
- ☒ EEO/HR
- ☐ FLSA
- ☐ FMLA
- ☐ Workers' Compensation
- ☒ Wrongful Termination

INDEPENDENT PROCEEDINGS
- ☐ Assumption of Jurisdiction
- ☐ Authorized Sale
- ☐ Attorney Appointment
- ☐ Body Attachment Issuance
- ☐ Commission Issuance
- ☐ Constructive Trust
- ☐ Contempt
- ☐ Deposition Notice
- ☐ Dist Ct Mtn Appeal
- ☐ Financial
- ☐ Grand Jury/Petit Jury
- ☐ Miscellaneous
- ☐ Perpetuate Testimony/Evidence
- ☐ Prod. of Documents Req.
- ☐ Receivership
- ☐ Sentence Transfer
- ☐ Set Aside Deed
- ☐ Special Adm. - Atty
- ☐ Subpoena Issue/Quash
- ☐ Trust Established
- ☐ Trustee Substitution/Removal
- ☐ Witness Appearance-Compel

PEACE ORDER
- ☐ Peace Order

EQUITY
- ☐ Declaratory Judgment
- ☐ Equitable Relief
- ☐ Injunctive Relief
- ☐ Mandamus

OTHER
- ☐ Accounting
- ☐ Friendly Suit
- ☐ Grantor in Possession
- ☐ Maryland Insurance Administration
- ☐ Miscellaneous
- ☐ Specific Transaction
- ☐ Structured Settlements

IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- ❒ Abatement
- ❒ Administrative Action
- ❒ Appointment of Receiver
- ❒ Arbitration
- ❒ Asset Determination
- ❒ Attachment b/f Judgment
- ❒ Cease & Desist Order
- ❒ Condemn Bldg
- ❒ Contempt
- ☒ Court Costs/Fees
- ☒ Damages-Compensatory
- ☒ Damages-Punitive
- ❒ Earnings Withholding
- ❒ Enrollment
- ❒ Expungement
- ❒ Findings of Fact
- ❒ Foreclosure
- ☒ Injunction
- ❒ Judgment-Affidavit
- ❒ Judgment-Attorney Fees
- ❒ Judgment-Confessed
- ❒ Judgment-Consent
- ❒ Judgment-Declaratory
- ❒ Judgment-Default
- ❒ Judgment-Interest
- ❒ Judgment-Summary
- ❒ Liability
- ❒ Oral Examination
- ❒ Order
- ❒ Ownership of Property
- ❒ Partition of Property
- ❒ Peace Order
- ❒ Possession
- ❒ Production of Records
- ❒ Quarantine/Isolation Order
- ❒ Reinstatement of Employment
- ❒ Return of Property
- ❒ Sale of Property
- ❒ Specific Performance
- ❒ Writ-Error Coram Nobis
- ❒ Writ-Execution
- ❒ Writ-Garnish Property
- ❒ Writ-Garnish Wages
- ❒ Writ-Habeas Corpus
- ❒ Writ-Mandamus
- ❒ Writ-Possession

*If you indicated **Liability** above*, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

❒Liability is conceded. ❒Liability is not conceded, but is not seriously in dispute. ❒Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

❒ Under $10,000 ❒ $10,000 - $30,000 ❒ $30,000 - $100,000 ☒ Over $100,000

❒ Medical Bills $_____ ❒ Wage Loss $_____ ❒ Property Damages $_____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ❒Yes ❒No
B. Arbitration ❒Yes ❒No
C. Settlement Conference ☒Yes ❒No
D. Neutral Evaluation ❒Yes ❒No

SPECIAL REQUIREMENTS

❒ If a Spoken Language Interpreter is needed, **check here and attach form CC-DC-041**

❒ If you require an accommodation for a disability under the Americans with Disabilities Act, **check here and attach form CC-DC-049**

ESTIMATED LENGTH OF TRIAL

*With the exception of Baltimore County and Baltimore City, please fill in the estimated **LENGTH OF TRIAL**.*

(Case will be tracked accordingly)

- ❒ 1/2 day of trial or less
- ❒ 1 day of trial time
- ☒ 2 days of trial time
- ❒ 3 days of trial time
- ❒ More than 3 days of trial time

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

***For all jurisdictions**, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.*

❒ **Expedited**- Trial within 7 months of Defendant's response

❒ **Standard** - Trial within 18 months of Defendant's response

EMERGENCY RELIEF REQUESTED

COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE MANAGEMENT PROGRAM (ASTAR)

FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.

❒ **Expedited** - Trial within 7 months of Defendant's response

❒ **Standard** - Trial within 18 months of Defendant's response

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, OR BALTIMORE COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

❒	Expedited	Trial 60 to 120 days from notice. Non-jury matters.
❒	Civil-Short	Trial 210 days from first answer.
❒	Civil-Standard	Trial 360 days from first answer.
❒	Custom	Scheduling order entered by individual judge.
❒	Asbestos	Special scheduling order.
❒	Lead Paint	Fill in: Birth Date of youngest plaintiff _____ .
❒	Tax Sale Foreclosures	Special scheduling order.
❒	Mortgage Foreclosures	No scheduling order.

CIRCUIT COURT FOR BALTIMORE COUNTY

❒ Expedited (Trial Date-90 days)	Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
❒ Standard (Trial Date-240 days)	Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
❒ Extended Standard (Trial Date-345 days)	Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of $100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
❒ Complex (Trial Date-450 days)	Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

11/13/2024
Date

Sarah Spitalnick
Signature of Counsel / Party

23 Walker Ave Suite 207
Address

Sarah Spitalnick
Printed Name

Pikesville | MD | 21208
City | State | Zip Code

202001845006

UNIFORM CRIMINAL CITATION
State of Maryland vs.

Defendant's (Last) Name	First	Middle
Miller	Mylissa	Nicole

Current Address in Full: 374 Ellsworth Place

City	County	State	Zip Code
Joppa	Harford	MD	21085

DOB	Height	Weight	Sex	Race	Ethnicity	Hair	Eyes
3/20/86	502	147	F	W	Not-His	Brn	Brn

Related Citations: Telephone No. Day: Night:

Arrest Number (if applicable) 25MSP0048803 ☐ Check if Fingerprinted

It is formally charged that the above named person on Feb 15, 2025 (Year)

at 1330 ☒ P.M. at 1002 Joppa Farm Rd. (Location) Harford City/County, Maryland did

on or about did steal property of Redner's having a value of at least $100 but less than $1,500, in violation of CR 7-104 of the annotated Code of Maryland.

In violation of: ☒ Md. Ann. Code ☐ COMAR/Agency Code ☐ Common Law of Md. ☐ Ordinance ☐ Public Local Law

against the peace, government, and dignity of the State:

Document/Article CR 7-104 Section CJIS Code 4-1137

Penalty: $500 - 6 months

TO ANSWER THE ABOVE CHARGE LODGED AGAINST YOU:

YOU ARE HEREBY SUMMONED AND COMMANDED TO APPEAR FOR TRIAL IN THE DISTRICT COURT OF MARYLAND FOR Harford (CITY/COUNTY) LOCATED AT 2 S. Bond St. Bel Air, MD 21014 MARYLAND,

☐ ON _____ Date AT _____.

☒ WHEN REQUIRED BY THE COURT.

YOUR FAILURE TO OBEY THIS CITATION MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.

I sign my name as a receipt of a copy of this citation and not as an admission of guilt. I hereby submit to the jurisdiction of the Court.

X Defendant's Signature

I solemnly affirm under the penalties of perjury that the contents of the foregoing citation are true to the best of my knowledge, information, and belief.

Issuing Peace Officer's Signature 2/17/25 (Date) MSP (Agency) 90-53 (Sub-Agency) 6757 (ID No.)

DC-CR-045 (Rev. 12/2018)

Print Date 05-2020

COURT COPY

E-FILED; Harford District Court
Docket: 4/9/2025 12:49 PM; Submission: 4/9/2025 12:49 PM
Envelope: 20718670

STATE OF MARYLAND,	)	IN THE
Plaintiff	)	DISTRICT COURT
v.	)	FOR
MALISSA N. MILLER,	)	HARFORD COUNTY Case
Defendant	)	No: D-09-CR-25-060055

LINE OF APPEARANCE

Please enter the appearance of Sarah Spitalnick Esq. as counsel for the Defendant in the above captioned matter.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day April 2025, a true and correct copy of the foregoing Line was filed via MDEC .

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Defendant

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

E-FILED; Anne Arundel Circuit Court
Docket: 5/21/2025 12:48 PM; Submission: 5/21/2025 12:48 PM
Envelope: 21298323

ALAIN SEHEUT,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
PPE CASINO RESORTS MARYLAND, LLC	)	ANNE ARUNDEL COUNTY
	)	
	)	
Defendant	)	Case No: C-02-CV-25-001534

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ALAIN SEHEUT, by and through counsel, hereby brings forth this action and states as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. Plaintiff ALAIN SEHEUT (hereinafter "Mr. Seheut") was constructively discharged on July 22, 2024, from his employment with PPE CASINO RESORTS MARYLAND, LLC (hereinafter the "Casino" or "Defendant").

2. Defendant operates a casino that is open 24 hours a day and serves alcohol.

3. The gambling industry inherently requires special attention to security concerns due to its potentially volatile customer base who are prone to intoxication and emotional stress. Whenever the public is directly engaging in gambling and drinking, there is a potential for violence, especially directed at the Casino staff.

4. Every casino, including Defendant, spares no expense to protect the financial interests of the business, including cameras to monitor cheating and theft.

5. This Casino, however, prioritizes its financial interests over the physical and emotional well-being of its staff, failing to allocate sufficient resources to ensure their security and safety.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

6. Mr. Seheut was physically battered and assaulted, and verbally assaulted by multiple patrons over a period of over ten years while employed at the Casino.

7. Throughout Mr. Seheut's decade-long tenure at the Casino, Mr. Seheut made numerous attempts to report the unsafe and hostile working conditions and requested the Casino to improve its security measures.

8. The Casino ignored Mr. Seheut's concerns and instead retaliated by demoting him, assigning him to lower-tipping tables, and assigning him to a punitive shift schedule.

9. The Casino employs many immigrants, including Mr. Seheut. Knowing that immigrants are especially vulnerable, the Casino exploits this vulnerability to its advantage

10. Mr. Seheut seeks an award from this court for compensatory damages, punitive damages, statutory damages, emotional distress, attorneys' fees, and court costs.

PARTIES

11. Plaintiff ALAIN SEHEUT is a resident of the state of Maryland.

12. Defendant PPE CASINO RESORTS MARYLAND, LLC. is a corporation having its principal place of business in Maryland.

JURISDICTION AND VENUE

13. Jurisdiction is proper pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501 and § 6-102, because the Casino's place of business is in Maryland.

14. Venue is proper pursuant to § 6-201 because the Casino's principal place of business is in Anne Arundel County.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

FACTS

15. On April 1, 2013, Mr. Seheut was hired by the Casino as a dealer and worked at the Casino as a dealer until July 22, 2024.

16. During Mr. Seheut's employment at the Casino, he had a perfect record and was never subject to any discipline or reported on for any infractions.

17. The Casino experiences a high employee turnover rate, making it highly unusal for a dealer to remain employed there for more than three years.

18. Mr. Seheut was employed for just over ten years.

19. He was popular and well-liked by many of the patrons and other employees.

20. Due to his unusually long tenure, perfect employment record, expertise, skill, and experience, Mr. Seheut attained senior status and was trusted to deal at high-limit tables, Pit 7, and Roulette.

21. In the first few years of his employment, Mr. Seheut was verbally and physically assaulted by patrons.

22. On multiple occasions, Mr. Seheut was pushed, shoved, and narrowly avoided being punched by a violent patron.

23. During almost every shift Mr. Seheut worked, he was verbally assaulted by patrons.

24. This was a frequent and common experience for most if not all dealers and it was well-known and widely recognized by Casino staff, including other dealers, waitresses, and bartenders.

25. Throughout his employment at the Casino, he personally witnessed numerous

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

employees who were subjected to extreme acts of physical violence and verbal abuse.

26. Employees are regularly harassed, yelled at, cursed at, and sometimes spit at and/or spit on, and even threatened by Casino patrons, who are often angry about losing money and/or intoxicated from alcohol they had consumed at the Casino.

27. Many patrons who regularly came to the Casino threw objects in anger.

28. These acts were all captured on the Casino's security footage.

29. Though the Casino will occasionally instruct a security officer to ask a patron to leave, it is well-known and common for the Casino to allow a frequent offender to return to the Casino if that patron is a regular who often comes to gamble and provide the Casino with revenue.

30. The vast majority of the security guards that are employed by the Casino are unqualified and do not adequately respond to threats to the safety of Casino employees, including Mr. Seheut.

31. Dealers, waitresses, and bartenders are occasionally forced to handle potentially dangerous situations involving angry or intoxicated patrons, despite these responsibilities falling outside their job description and being the duty of security personnel. Supervisors, when called for help in such situations, often provided minimal assistance and even dismissed concerns by telling Mr. Seheut that he needed to develop a "thicker skin."

32. On multiple occasions, Mr. Seheut has physically or verbally intervened in confrontations with angry and violent patrons, thereby placing himself in harm's way.

33. Patrons are not discouraged from engaging in bad behavior, as they are aware that security guards will only respond to violence in extreme cases and that there is little risk of being permanently barred from the Casino for their misconduct.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

34. Employees below management level regularly fear for their safety. Those who voice concerns about safety are often brushed aside with comments such as, 'This is a Casino, not a church,' 'You need to have tougher skin,' or 'If it's that bad, find another job.

35. The management of the Casino is well aware that the employees legitimately fear for their safety but rarely take measures to address these concerns.

36. Employees typically refrain from reporting their concerns to management, as they believe management is already aware of the situation and fear that speaking up will result only in retaliation.

37. The employees regularly discuss their safety concerns among themselves.

38. Employees frequently discuss their shared fear of reporting these concerns to management, as well as their belief that doing so will only result in retaliation from management.

39. Over the years, employees have been injured at work, including an employee who was raped in the parking lot and an employee that was head butted.

40. The news has reported on multiple violent crimes that occurred outside the Casino in areas where Mr. Seheut and other employees must walk, sometimes late at night.

41. Both employees and management are aware that several outdoor lights and security cameras around the Casino are inoperable, failing to provide sufficient security or deterrence, particularly during nighttime. Further, employees often had to leave the Casino without the presence of security personnel in or near the poorly lit parking lot.

42. The Casino failed to consistently or adequately assign security guards to monitor the parking lot.

43. During the initial years of his employment, Mr. Seheut like the other employees, did not report his concerns officially in writing to the management for fear of retaliation.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

44. After many years of employment, the situation became intolerable. The frequent and severe incidents of physical and verbal abuse led Mr. Seheut to legitimately fear for his safety, believing that he was in imminent danger of serious bodily harm

45. Additionally, the persistent fear of physical abuse, coupled with ongoing verbal abuse, caused him significant emotional distress. He experienced depression, insomnia, and even physical symptoms as a result.

46. In 2022, Mr. Seheut formally documented his concerns for the first time by submitting an official, written report to Management/Human Resources.

47. He proposed that the Casino establish a 'customer code of conduct,' making it a violation of Casino rules to physically or verbally assault or threaten employees, or to make derogatory remarks about the ethnic origin, race, accent, or assumed religion of any employee or patron. He also recommended that the formal Code of Conduct be displayed at every gaming table in clear view of the patrons.

48. Mr. Seheut made suggestions for unacceptable behaviors to be included in a "code of conduct" for patrons. His supervisors developed and implemented a Code of Conduct that excluded his suggestions, was vague and ambiguous. He suggested that a formal Code of Conduct be placed at every gaming table.

49. The Casino attempted to placate Mr. Seheut by hanging a 'code of conduct' sign in very small font above the security desk. When security personnel are seated or standing there, the sign is partially obscured, making it unlikely that many people would stop to read it.

50. The Casino intentionally made the Code of Conduct vague and ambiguous.

51. The Code of Conduct was not enforced by the Casino.

52. No other actions were taken by the Casino to address Mr. Seheut's concerns.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

53. Mr. Seheut overheard managers mocking the “code of conduct” he had requested. It was not taken seriously by anyone at the Casino.

54. After the Casino displayed the 'code of conduct' to placate Mr. Seheut, they continued to neglect the safety of Mr. Seheut and his fellow table game employees. Consequently, Mr. Seheut filed a formal complaint regarding the ongoing safety concerns.

55. Mr. Seheut had tried to avoid formally complaining to his supervisors for years because the Casino has a reputation for retaliating against any employee that complains about safety and security concerns.

56. Mr. Seheut made his first formal complaint about security and safety concerns in 2022.

57. Mr. Seheut’s formal complaint was immediately met with aggression from the Casino..

58. The Casino took minimal action to address his concerns.

59. Mr. Seheut persisted with his complaint, aware that his health would deteriorate further if the Casino did not address his security and safety concerns

60. Shortly after Mr. Seheut filed his complaint with his supervisors, his assigned shift schedule was drastically and adversely altered.

61. At the time of Mr. Seheut’s formal complaint, he had seniority due to being employed with the Casino for over ten years and his perfect employment record.

62. Mr. Seheut was most often scheduled to work his shifts at the 'high rollers' tables, including Pit 7 and Roulette. His preferred game to deal was Roulette.

63. Mr. Seheut's shift schedule was envied by other dealers due to its manageable hours and as a highly skilled dealer, he was often assigned to high-limit tables, including Pit 7

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

and one of the most difficult game to deal, Roulette. Pit 7 in particular attracted more well-behaved players, reducing the risk of physical and verbal abuse compared to tables with lower minimum bets, which tended to attract more volatile customers, prone to anger violence.

64. Additionally, there is a significant reputation and standing a dealer achieves when they are assigned to deal at the high roller tables/Pit 7 and Roulette. When a dealer is no longer assigned to deal at the high roller tables/Pit 7 and Roulette and are reassigned to the lower value tables it is looked upon as a major demotion. This kind of reassignment also damages the dealer's reputation because it comes with the assumption that the dealer cannot deal properly.

65. Shortly after Mr. Seheut made his complaint, his standard schedule with only two possible different start times of 8:00 p.m. to 4:00 a.m. or 10:00 p.m. to 6:00 a.m. changed at times to an erratic, difficult to manage schedule with four different start times of 5:00 p.m. to 1:00 a.m. 6:00 p.m. to 2:00 a.m., 8:00 p.m. to 4:00 a.m., 10:00 p.m. to 6:00 a.m.

66. Additionally, he was reassigned to lower value tables, where players were more erratic and hostile towards dealers, often tipping poorly or not at all. He was also no longer assigned to deal Roulette.

67. Mr. Seheut complained to his supervisors about the retaliation.

68. His supervisors disregarded his complaints and failed to provide any legitimate reason for the drastic change in his work conditions that occurred shortly after he filed a formal complaint.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

69. Despite the retaliation, Mr. Seheut persisted in raising safety and security concerns. He continued to complain even though he was being retaliated against he was being forced to work difficult hours at lower value tables, because his health could not withstand the stress and harassment

70. The Casino created a hostile work environment for Mr. Seheut not only through ignoring all safety and security concerns but also by forcing Mr. Seheut into schedules that were difficult and punitive.

71. Mr. Seheut made every effort to work through the hostility and retaliation for two years before his health deteriorated to the point where resigning was the only way to recover.

72. Mr. Seheut made every effort to work through the hostility and retaliation.

73. The Casino created a hostile work environment that directly led to Mr. Seheut's resignation.

74. The Casino created such a hostile work environment that it was impossible for Mr. Seheut to conduct his duties and continue his employment.

75. Mr. Seheut is an immigrant from France to the United States.

76. The overwhelming majority of employees at the Casino are also immigrants and/or other minorities and racial groups.

77. Mr. Seheut's immigration status is known to the Casino not only through his employment records, but also due to his heavy and distinguishable French accent.

78. The Casino is on notice that many of the employees are immigrants and/or minorities and that these immigrants and/or minorities have a hard time gaining employment and are therefore likely to endure the conditions of employment at the Casino, more so than non-

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

immigrants and non-minority employees.

79. There are immigrant employees that have been sponsored by the Casino, in which if they want to gain a green card they must stay employed at the Casino.

80. Some immigrant employees have been sponsored by the Casino, requiring them to remain employed there to obtain a green card

81. The Casino's policies discriminate against immigrants and minorities because the Casino knows that it can exploit the vulnerabilities of immigrants and minorities.

82. The Casino's treatment of Mr. Seheut, including the hostile work environment, the lack of adequate concern for his physical safety, and the retaliation for reporting his concerns to the Casino were discriminatory based on Mr. Seheut's national origin.

83. There are white American born naturalized citizens employed at the Casino, that have complained about the security concerns. Although the Casino took no action, they were not retaliated against in the same way that Mr. Seheut was.

84. Further, they were not subjected to the same mockery that Mr. Seheut faced for proposing the code of conduct.

85. The Casino mocked Mr. Seheut because of his national origin.

86. In similar situations, the white American born naturalized citizens were not treated in the same fashion as Mr. Seheut or the other immigrants in both treatment and retaliation of reporting concerns to management at the Casino.

87. Upon information and belief, non-white employees and immigrants were not subjected to the same treatment as Mr. Seheut.

88. Mr. Seheut can name these similarly situated individuals.

Causes of Action

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

COUNT I

Maryland Fair Employment Practices Act (FEPA)

Md. Code Ann., State Gov't §§ 20-601 to 20-611

Discrimination on the basis of national origin

89. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as though fully set forth herein.

90. Defendant violated Maryland law by discriminating against Mr. Seheut on the basis of his national origin.

91. Mr. Seheut is a first-generation immigrant to America.

92. Defendant is on notice of Mr. Seheut's national origin.

93. Mr. Seheut was targeted for mistreatment and had his safety/security concerns ignored due to his national origin.

94. It is well-known among the Casino employees that the Defendant is known to treat immigrants differently than natural born Americans.

95. Defendant has not treated any natural born American employee the way the Casino treated Mr. Seheut.

COUNT II

Maryland Fair Employment Practices Act (FEPA)

Md. Code Ann., State Gov't §§ 20-601 to 20-611

Retaliation

96. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as though fully set

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

forth herein.

97. Defendant violated Maryland law by retaliating against Mr. Seheut for filing a complaint against management regarding the safety and security issues at the Casino.

98. Defendant is on notice of Mr. Seheut's complaint.

99. Mr. Seheut had his shifts and positions demoted and changed shortly after he filed his complaint.

100. Defendants' actions taken were retaliatory and harassing.

101. Mr. Seheut has the right to file complaints without fear of retaliation from the Defendant.

COUNT III

Maryland Common Law Tort

Wrongful Termination

102. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the foregoing paragraphs of this Complaint with the same effect as though fully set forth herein.

103. Defendant constructively terminated Plaintiff by creating a hostile work environment after Mr. Seheut filed complaints regarding his safety and security at work leaving Mr. Seheut with no choice but to resign.

104. Federal law provides a clear and specific public policy against employer retaliation for complaints about workplace safety. Specifically, Occupational Safety and Health Act (OSHA) – 29 U.S.C. § 660 protects employees who raise workplace safety concerns internally to their employers, even if they never file a formal complaint with OSHA.

105. After Mr. Seheut made his complaints regarding workplace safety, Mr. Seheut

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

had his shifts and positions demoted and changed shortly after he filed his complaint.

106. Defendant's actions taken were retaliatory and harassing and created a hostile work environment.

107. Mr. Seheut has the right to file complaints without fear of retaliation from the Defendant.

108. The retaliation created a hostile work environment that impeded Mr. Seheut's ability to do his job to the point where he was forced to resign.

COUNT IV

Maryland Fair Employment Practices Act (FEPA)

Md. Code Ann., State Gov't §§ 20-601 to 20-611

Hostile Work Environment

109. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

110. Defendant violated Maryland law by subjecting Mr. Seheut to discrimination, harassment, retaliation, and constructive discharge based on his national origin.

111. Mr. Seheut is a first-generation immigrant to America. He was subjected to a hostile work environment with no security or safety and retaliation based on his national origin.

112. No other native born American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

113. The discrimination Mr. Seheut faced was so severe and pervasive that it impaired his ability to perform his job duties.

COUNT V

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

Maryland Fair Employment Practices Act (FEPA)

Md. Code Ann., State Gov't §§ 20-601 to 20-611

Hostile Work Environment Leading to Constructive Discharge

114. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

115. Defendant violated Maryland law by subjecting Mr. Seheut to discrimination, harassment, retaliation, and constructive discharge based on his national origin.

116. Mr. Seheut is a first-generation immigrant to America; he was subjected to a hostile work environment that was severe and pervasive with no security or safety and retaliation based solely on his national origin.

117. No other native born American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

118. Defendants created a hostile work environment that was severe and pervasive and that impeded Mr. Seheut's ability to do his job to the point where he needed to resign.

COUNT VII

Maryland Fair Employment Practices Act (FEPA)

Md. Code Ann., State Gov't §§ 20-601 to 20-611

Constructive Discharge

119. Mr. Seheut realleges and incorporates by reference each and every allegation contained in the forgoing paragraphs of this Complaint with the same effect as through fully set forth.

120. Defendant violated Maryland law by subjecting Mr. Seheut to discrimination,

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

harassment, retaliation, and constructive discharge based on his national origin.

121. Mr. Seheut is a first-generation immigrant to America. He was subjected to a hostile work environment with no security or safety and retaliation based solely on his national origin.

122. No other native born American that worked with Mr. Seheut was ever subjected to the same treatment as Mr. Seheut.

123. Defendants created a hostile work environment that impeded Mr. Seheut's ability to do his job to the point where he needed to resign.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALAIN SEHEUT prays that judgment be entered in his favor and against Defendants PPE CASINO RESORTS MARYLAND, LLC for compensable damages, plus interest, statutory damages, punitive damages, attorneys' fees, expert witness fees, and his costs of suit, and such other relief as this Court deems just and equitable.

WHEREFORE, Plaintiff ALAIN SEHEUT prays that the Court order Defendant to 1) cease retaliating against employees that report safety/security concerns; 2) implement internal policies and procedures designed to ensure that employees do not run afoul of the antidiscrimination laws of the United States and; 3) cease all activities, employment practices, and internal policies that create a hostile discriminatory environment against immigrants.

DEMAND FOR JURY TRIAL

Plaintiff ALAIN SEHEUT demands a trial by jury.

Docusign Envelope ID: 4C84974A-453A-49D1-B534-32E8C284ECAD

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

Signed by:
Alain Selent
48A07F9D40F5461...
ALAIN SELENT

Respectfully Submitted,

DocuSigned by:
Sarah Spitalnick
461F8028CF9E4B0...

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. Or if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

DocuSigned by:
Sarah Spitalnick
461F8028CF9E4B0...

Sarah Spitalnick Esq.
Counsel for Plaintiff

CIRCUIT COURT OF MARYLAND FOR
ANNE ARUNDEL COUNTY
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: ALAIN SEHEUT
10 BONTON COURT
REISTERSTOWN MD 21202

Case Number: C-02-CV-25-001534

ALAIN SEHEUT VS. PPE CASINO RESORTS MARYLAND LLC

05/22/2025/NS

ORDER TO FILE INFORMATION REPORT (CCIR)

Upon review of the file, an information report has not been filed in the above-referenced case as required by Maryland Rule 2-111(a). Until the required report is filed with the Court, the summons will not be issued and no further action will be taken in the case. Therefore, it is hereby

ORDERED that an information report[1] shall be filed as required by Maryland Rule 2-111(a) within 10 days of entry of the Order. Failure to do so may result in a dismissal without further Order of this Court.

5/22/2025
Date

Judge
Circuit Court for Anne Arundel County

[1] Please visit http://www.courts.state.md.us/courtforms/ to obtain a copy of the information report (CCIR).

Case Information

Court System:	**Circuit Court For Carroll County - Civil**
Location:	**Carroll Circuit Court**
Case Number:	**C-06-CV-23-000313**
Title:	**Jacob Clere vs. David Anderson, et al.**
Case Type:	**Contract - Breach**
Filing Date:	**07/06/2023**
Case Status:	**Appealed**
Judicial Officer:	**Hecker, Fred S**

Other Reference Numbers

Case Appealed:	**ACM-REG-2085-2024**

Involved Parties Information

Garnishee

Name:	**Coastal Pool Builders LLC**

Address:	**Registered Agents Inc.** **5000 Thayer Center #C**
City:	**OAKLAND** State: **MD** Zip Code: **21550**

Garnishee

Name:	**Block, Inc.**

Address:	**Serve on: The Corporation Trust Inc**
	2405 York Road
City:	**LUTHERVILLE TIMONIUM** State: **MD** Zip Code: **21093**

Garnishee

Name:	**M&T Bank**

Address:	**CSC Lawyers Incorporating Service Co.**
	7 St. Paul St. #820
City:	**BALTIMORE** State: **MD** Zip Code: **21202**

Garnishee

Name:	**Square Capital LLC**

Address:	**The Corporation Trust Inc**
	2405 York Road #201
City:	**LUTHERVILLE TIMONIUM** State: **MD** Zip Code: **21093**

Settlement Conference Officer

Name:	**HOLLMAN, CHARLES D**
Removal Date:	**09/20/2024**

Address:	**Hollman, Maguire, Korzenewski & Luzuriaga, Chartered**
	189 East Main Street

City:	**WESTMINSTER** State: **MD** Zip Code: **21157**

Aliases

Standard :	**Hollman, Charles**

Counter Defendant

Name:	**Clere Services LLC**

Address:	**Serve On: Jacob Clere**
	25384 Sandy Point Road
City:	**GREENSBORO** State: **MD** Zip Code: **21639**

Attorney(s) for the Counter Defendant

Name:	**Gross, Jonathan Stuart**
Appearance Date:	**11/15/2024**
Address Line 1:	**2833 Smith Ave Suite 331**
City:	**BALTIMORE** State: **MD** Zip Code: **21209**

Name:	**Spitalnick, Sarah**
Appearance Date:	**11/15/2024**
Address Line 1:	**23 Walker Avenue**
Address Line 2:	**Suite 207**
City:	**PIKESVILLE** State: **MD** Zip Code: **21208**

Defendant

Name:	**Legacy Pool and Spa LLC**

Address:	**2843 Patapsco Rd.**
City:	**Finksburg** State: **MD** Zip Code: **21046**

Attorney(s) for the Defendant

Name:	**DESPER, GARY W**
Appearance Date:	**08/08/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**DESPER LAW GROUP**
Address Line 2:	**43 N. COURT STREET**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**

Name:	**Billings, Nicholas**
Appearance Date:	**08/15/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**Desper Law Group**
Address Line 2:	**43 N. Court Street**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**

Name:	**LUSK, REBEKAH DAMEN**
Appearance Date:	**02/12/2024**
Address Line 1:	**113 E CHRUCH ST**
City:	**FREDERICK** State: **MD** Zip Code: **21701**

Name:	**Bright, Steven Michael**
Appearance Date:	**02/12/2024**
Address Line 1:	**Lusk Law, LLC**
Address Line 2:	**113 East Church Street**
City:	**FREDERICK** State: **MD** Zip Code: **21701**

Counter Plaintiff

Name:	**Legacy Pool and Spa LLC**

Address:	**2843 Patapsco Rd.**
City:	**Finksburg** State: **MD** Zip Code: **21046**

Attorney(s) for the Counter Plaintiff

Name:	**DESPER, GARY W**
Appearance Date:	**08/08/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**DESPER LAW GROUP**
Address Line 2:	**43 N. COURT STREET**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**Billings, Nicholas**
Appearance Date:	**08/15/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**Desper Law Group**
Address Line 2:	**43 N. Court Street**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**LUSK, REBEKAH DAMEN**
Appearance Date:	**02/12/2024**
Address Line 1:	**113 E CHRUCH ST**
City:	**FREDERICK** State: **MD** Zip Code: **21701**
Name:	**Bright, Steven Michael**
Appearance Date:	**02/12/2024**
Address Line 1:	**Lusk Law, LLC**
Address Line 2:	**113 East Church Street**
City:	**FREDERICK** State: **MD** Zip Code: **21701**

Garnishee

Name:	**Coastal Pools, LLC**

Address:	**500 Sadler Road**
City:	**GRASONVILLE** State: **MD** Zip Code: **21638**

Plaintiff

Name:	**Clere, Jacob**

Address:	**25384 Sandy Point Road**
City:	**GREENSBORO** State: **MD** Zip Code: **21639**

Attorney(s) for the Plaintiff

Name:	**Gross, Jonathan Stuart**
Appearance Date:	**07/06/2023**
Address Line 1:	**2833 Smith Ave Suite 331**
City:	**BALTIMORE** State: **MD** Zip Code: **21209**
Name:	**Spitalnick, Sarah**
Appearance Date:	**12/18/2023**
Address Line 1:	**23 Walker Avenue**
Address Line 2:	**Suite 207**
City:	**PIKESVILLE** State: **MD** Zip Code: **21208**

Defendant

Name:	**Anderson, David G**

Address:	**2843 Patapsco Rd.**
City:	**Finksburg** State: **MD** Zip Code: **21048**

Attorney(s) for the Defendant

Name:	**DESPER, GARY W**
Appearance Date:	**08/08/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**DESPER LAW GROUP**
Address Line 2:	**43 N. COURT STREET**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**Billings, Nicholas**
Appearance Date:	**08/15/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**Desper Law Group**
Address Line 2:	**43 N. Court Street**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**LUSK, REBEKAH DAMEN**
Appearance Date:	**02/12/2024**
Address Line 1:	**113 E CHRUCH ST**
City:	**FREDERICK** State: **MD** Zip Code: **21701**
Name:	**Bright, Steven Michael**
Appearance Date:	**02/12/2024**
Address Line 1:	**Lusk Law, LLC**
Address Line 2:	**113 East Church Street**
City:	**FREDERICK** State: **MD** Zip Code: **21701**

Counter Plaintiff

Name:	**Anderson, David G**

Address:	**2843 Patapsco Rd.**
City:	**Finksburg** State: **MD** Zip Code: **21048**

Attorney(s) for the Counter Plaintiff

Name:	**DESPER, GARY W**
Appearance Date:	**08/08/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**DESPER LAW GROUP**
Address Line 2:	**43 N. COURT STREET**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**Billings, Nicholas**
Appearance Date:	**08/15/2023**
Removal Date:	**02/12/2024**
Address Line 1:	**Desper Law Group**
Address Line 2:	**43 N. Court Street**
City:	**WESTMINSTER** State: **MD** Zip Code: **21157**
Name:	**LUSK, REBEKAH DAMEN**
Appearance Date:	**02/12/2024**
Address Line 1:	**113 E CHRUCH ST**
City:	**FREDERICK** State: **MD** Zip Code: **21701**
Name:	**Bright, Steven Michael**
Appearance Date:	**02/12/2024**
Address Line 1:	**Lusk Law, LLC**

Address Line 2:	**113 East Church Street**
City:	**FREDERICK** State: **MD** Zip Code: **21701**

Court Scheduling Information

Event Type	Event Date	Event Time	Judge	Court Location	Court Room	Result
Conference - Pre-Trial	**02/23/2024**	**11:00:00**	**To Be Assigned, Judge**	**Carroll County Circuit Court**	**Courtroom 8H - Annex - 1st Floor (Hallway)**	**CancelledReason: Postponed/Reset**
Trial - Jury	**04/23/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**CancelledReason: Postponed/Reset**
Trial - Jury	**04/24/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**CancelledReason: Postponed/Reset**
Conference - Pre-Trial	**09/20/2024**	**11:00:00**	**To Be Assigned, Judge**	**Carroll County Circuit Court**	**Courtroom 8H - Annex - 1st Floor (Hallway)**	**Held off the Record / Chambers**
Trial - Jury	**11/25/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Continued**
Trial - Jury	**11/26/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Continued**
Trial - Jury	**11/27/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Continued**
Trial - Jury	**12/02/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Continued**
Trial - Jury	**12/03/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Concluded / Held**
Trial - Jury	**12/04/2024**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**CancelledReason: Cancelled/Vacated**
Hearing - Motion	**02/03/2025**	**08:45:00**	**Hecker, Fred S**	**Carroll County Circuit Court**	**Courtroom 10 - Annex - Ground Floor**	**Concluded / Held**

Judgment Information

Monetary	
Original Judgment	
Judgment Event Type:	**Final Judgment / Decree / Order**
Judge:	**Hecker, Fred S**
Judgment Against:	**Clere, Jacob;** **Clere Services LLC**
Judgment in Favor of:	**Anderson, David G;** **Legacy Pool and Spa LLC**
Judgment Ordered Date:	**12/03/2024**
Judgment Entry Date:	**12/04/2024**

Judgment Expiration Date:	**To be determined by case law or statute**
Principal Amount:	**$28,280.00**

Amount of Judgment:	**$28,280.00**	Total Judgment Index:	**$28,280.00**
Comment:	**-Jury entered verdict in favor of the Defendant's David Anderson and Legacy Pool and Spa, LLC. -In Counter-Complaint- Jury entered verdict in favor of Counter-Plaintiff's David Anderson and Legacy Pool and Spa, LLC on the claim of Breach of Contract and Conversion and awarded Counter-Plaintiff's $26,980 as a result of the Breach of Contract by Jacob Clere and Clere Services, LLC and $1,300 as a result of the Conversion by Jacob Clere and Clere Services, LLC. -Jury did not find any evidence that supports any other claims or counterclaims.**		

Judgment Status	Status Date
Entered	**12/04/2024**

Document Information

File Date:	**07/06/2023**
Document Name:	**Complaint / Petition**
Comment:	**Complaint and Demand for Jury Trial**

File Date:	**07/06/2023**
Document Name:	**Request to Issue**
Comment:	**Request for summons for David G. Anderson**

File Date:	**07/06/2023**
Document Name:	**Request to Issue**
Comment:	**Request to issue summons for Legacy Pool and Spa LLC**

File Date:	**07/06/2023**
Document Name:	**Attorney Appearance - $20 Fee**
Comment:	**Case information report**

File Date:	**07/06/2023**
Document Name:	**Summons Issued (Service Event)**
Comment:	**Eserved to Gross**

File Date:	**07/06/2023**
Document Name:	**Summons Issued (Service Event)**
Comment:	

File Date:	**07/06/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Summons - Anderson**

File Date:	**07/06/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Summons -Legacy**

File Date:	**07/24/2023**

Document Name:	**Affidavit - Service**
Comment:	**Affidavit of service on Defendant David G. Anderson**

File Date:	**07/24/2023**
Document Name:	**Certificate of Service**
Comment:	**Certificate of service for Anderson Affidavit of Service**

File Date:	**07/24/2023**
Document Name:	**Affidavit - Service**
Comment:	**Affidavit of service on Defendant Legacy Pool and Spa, LLC**

File Date:	**07/24/2023**
Document Name:	**Certificate of Service**
Comment:	**Certificate of service for Legacy Pool Affidavit**

File Date:	**08/08/2023**
Document Name:	**Attorney Appearance - $20 Fee**
Comment:	**Entry of Appearance**

File Date:	**08/08/2023**
Document Name:	**Answer**
Comment:	**Defendants' Answer to Plaintiff's Complaint and Demand for Jury Trial**

File Date:	**08/09/2023**
Document Name:	**Hearing Notice Issued**
Comment:	**Notice of assignment and settlement officer assignment sheet issued.**

File Date:	**08/10/2023**
Document Name:	**Scheduling Order**
Comment:	**Signed scheduling order and notice of assignment eserved to attys Gross & Desper and mailed to settlement officer Hollman with settlement officer assignment sheet.**

File Date:	**08/10/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Technology notice**

File Date:	**08/10/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice to Plaintiff**

File Date:	**08/10/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Scheduling Order**

File Date:	**08/10/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Desper**

File Date:	**08/10/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Gross**

File Date:	**08/14/2023**
Document Name:	**Motion/Request/Notice - Strike/Withdraw and Enter Appearance**
Comment:	**Notice of Substitution of Counsel**

File Date:	**09/07/2023**
Document Name:	**Counter Complaint / Claim**
Comment:	**Defendants' Counter-Complaint**

File Date:	**09/26/2023**
Document Name:	**Answer**
Comment:	**Answer to Counterclaim**

File Date:	**09/26/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Scheduling Order**

File Date:	**11/08/2023**
Document Name:	**Amended Petition / Motion**
Comment:	**First Amended Complaint**

File Date:	**11/08/2023**
Document Name:	**Deficient Filing**
Comment:	**First Amended Complaint With Exhibit A**

File Date:	**11/09/2023**
Document Name:	**Amended Petition / Motion**
Comment:	**First Amended Complaint**

File Date:	**11/09/2023**
Document Name:	**Amended Petition / Motion**
Comment:	**EXHIBIT A to First Amended Complaint**

File Date:	**11/09/2023**
Document Name:	**Notice of Deficiency - Rule 20-203(d)**
Comment:	**Eserved to Gross**

File Date:	**11/09/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Deficiency**

File Date:	**11/09/2023**
Document Name:	**Amended Petition / Motion**
Comment:	**First Amended Complaint**

File Date:	**11/09/2023**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A - Service Agreement**

File Date:	**11/09/2023**
Document Name:	**Motion for Ex Parte**
Comment:	**Request for an Emergency Ex Parte Temporary Restraining Order and Injunctive Relief, or in the alternative, Request for a Preliminary Injunction with an Immediate Hearing**

File Date:	**11/09/2023**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**11/09/2023**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit B**

File Date:	**11/09/2023**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit C**

File Date:	**11/09/2023**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit D**

File Date:	**11/09/2023**
Document Name:	**Order**
Comment:	**Ex parte motion for restraining order is denied, response to be filed within 10 days. Hearing shall be set upon filing of response or within 10 days of this order, etc. eServed to Desper and Gross**

File Date:	**11/09/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**11/15/2023**
Document Name:	**Line**
Comment:	**Line Withdrawing Request for an Emergency Ex Parte Temporary Restraining Order and Injunctive Relief or in the Alternative, Request for a Preliminary Injunction with an Immediate Hearing**

File Date:	**11/16/2023**
Document Name:	**Order**
Comment:	**Noted. Paragraphs of the Court's Order shortening time and directing hearing be set are vacated, etc. E-served to Desper, Gross**

File Date:	**11/16/2023**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**12/18/2023**
Document Name:	**Attorney Appearance - $20 Fee**
Comment:	**Line of Appearance**

File Date:	**12/21/2023**
Document Name:	**Notice of Discovery**
Comment:	**Notice Regarding Discovery Material**

File Date:	**12/21/2023**
Document Name:	**Notice of Discovery**

Comment:	**Notice Regarding Discovery Material**

File Date:	**01/08/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice Regarding Service of Discovery Materials**

File Date:	**01/08/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice Regarding Service of Discovery Materials**

File Date:	**01/10/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery Filing**

File Date:	**01/10/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Return of Served Subpoena**

File Date:	**01/16/2024**
Document Name:	**Motion for Summary Judgment**
Comment:	**Motion for Partial Summary Judgment**

File Date:	**01/16/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Supporting Exhibit for Motion for Partial Summary Judgement**

File Date:	**01/16/2024**
Document Name:	**Memorandum**
Comment:	**Memorandum of Law in Support of Motion for Partial Summary Judgement**

File Date:	**01/18/2024**
Document Name:	**Answer**
Comment:	**DEFENDANTS ANSWER TO PLAINTIFFS FIRST AMENDED COMPLAINT**

File Date:	**01/23/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery Answers**

File Date:	**01/23/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery**

File Date:	**01/29/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Deposition**

File Date:	**01/30/2024**
Document Name:	**Response/Reply**
Comment:	**Defendants' Answer to Plaintiff's Motion for Partial Summary Judgment**

File Date:	**01/30/2024**
Document Name:	**Memorandum**
Comment:	**Defendants' Memorandum of Law**

File Date:	**01/30/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**01/30/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit B**

File Date:	**01/30/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit C**

File Date:	**01/30/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit D**

File Date:	**01/31/2024**
Document Name:	**Order**
Comment:	**denying motion for partial summary judgment. Copies eservd to Gross, Desper, Billings, Spitalnick**

File Date:	**01/31/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**02/09/2024**
Document Name:	**Attorney Appearance - $20 Fee**
Comment:	**Notice of Substitution of Counsel**

File Date:	**02/13/2024**
Document Name:	**Motion - Postponement/Continuance**
Comment:	**Motion to Postpone**

File Date:	**02/13/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**02/14/2024**
Document Name:	**Motion - Postponement/Continuance**
Comment:	**Amended Motion For Postponement**

File Date:	**02/14/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**02/14/2024**
Document Name:	**Supporting Document**
Comment:	**Amended Motion for Postponement - Tracked Changes**

File Date:	**02/14/2024**
Document Name:	**Order**

Comment:	**plaintiff J. Clere shall have until 02/21/24 at 4:30pm to file an answer to the amended motion to postpone. Copies eserved to Atty Lusk, Bright, Gross, and Spitalnick**

File Date:	**02/14/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order to shorten time**

File Date:	**02/15/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Defendants' Pretrial Statement**

File Date:	**02/20/2024**
Document Name:	**Deficient Filing**
Comment:	**Plaintiff's Opposition to Defendant's Motion to Postpone**

File Date:	**02/20/2024**
Document Name:	**Deficient Filing**
Comment:	**Pre-Trial Statement**

File Date:	**02/21/2024**
Document Name:	**Notice of Deficiency - Rule 20-203(d)**
Comment:	**Eserved to Spitalnick**

File Date:	**02/21/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Deficiency**

File Date:	**02/21/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Plaintiff's Pre-Trial Statement**

File Date:	**02/21/2024**
Document Name:	**Opposition**
Comment:	**Plaintiff's Opposition to Defendant's Motion to Postpone**

File Date:	**02/21/2024**
Document Name:	**Order**
Comment:	**Defendant's Motion is Granted, PreTrial Conference is postponed til 9/20/24 at 11AM, Trial postponed til 11/25-11/26/24 at 8:45AM. eServed to Lusk, and Gross**

File Date:	**02/21/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**02/21/2024**
Document Name:	**Hearing Notice Issued**
Comment:	**9/20 ptc 11/25 JT**

File Date:	**02/21/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Technology notice**

File Date:	**02/21/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Gross**

File Date:	**02/21/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Lusk**

File Date:	**02/26/2024**
Document Name:	**Notice of Service**
Comment:	**Notice of Discovery Service**

File Date:	**02/27/2024**
Document Name:	**Motion/Request for Protective Order**
Comment:	**Plaintiff's Motion for Protective Order**

File Date:	**02/28/2024**
Document Name:	**Opposition**
Comment:	**Defendants' Opposition to Plaintiff's Motion for Protective Order**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit B**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit C**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit D**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit E**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit F**

File Date:	**02/28/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit G**

File Date:	**02/29/2024**
Document Name:	**Reply to Opposition**
Comment:	**Plaintiff's Reply to Defendant's Opposition**

File Date:	**03/04/2024**

Document Name:	**Order**
Comment:	**Plaintiff's Motion for Protective Order is Denied, Discovery in this matter shall remain open until 8/2/24, eServed to Lusk, and Gross**

File Date:	**03/04/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**03/05/2024**
Document Name:	**Notice of Service**
Comment:	**Notice of Service**

File Date:	**03/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**04/12/2024**
Document Name:	**Motion**
Comment:	**Motion for Joinder**

File Date:	**04/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**04/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**04/12/2024**
Document Name:	**Complaint - Amended**
Comment:	**Amended Counterclaim**

File Date:	**04/12/2024**
Document Name:	**Supporting Document**
Comment:	**Amended Counterclaim - red-lined**

File Date:	**04/12/2024**
Document Name:	**Request to Issue**
Comment:	**Request Issue Summons**

File Date:	**04/17/2024**
Document Name:	**Response/Reply**
Comment:	**Opposition to Defendants Motion for Joinder and Amended Counter Complaint**

File Date:	**04/18/2024**
Document Name:	**Order**
Comment:	**Granting Motion for Joinder: Clere Services LLC Entered as a Counter-Defendant and Summons to be Issued for Service Upon Clere Services LLC's Resident Agent: Copies E-Served to Lusk, Bright, Gross, and Spitalnick**

File Date:	**04/18/2024**
Document Name:	**Summons Issued (Service Event)**

Comment:	**Copies E-Served to Lusk and Bright for Service**

File Date:	**04/18/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Summons - Clere Services LLC**

File Date:	**04/18/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order - Granting Motion for Joinder**

File Date:	**04/25/2024**
Document Name:	**Motion - Reconsideration**
Comment:	**Plaintiffs Motion for Reconsideration**

File Date:	**05/02/2024**
Document Name:	**Opposition**
Comment:	**Defendant's Opposition to Plaintiff's Motion for Reconsideration**

File Date:	**05/06/2024**
Document Name:	**Order**
Comment:	**Denying Motion for Reconsideration. Eserved to Gross and Lusk. Copy mailed to Clere Services, LLC**

File Date:	**05/06/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Denying Motion for Reconsideration**

File Date:	**05/14/2024**
Document Name:	**Return of Service - Not Served**
Comment:	**Clere Services, LLC Affidavit of Non Service- Not Served**

File Date:	**05/23/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice Discovery Service**

File Date:	**05/29/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Service**

File Date:	**05/29/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**06/10/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery Service**

File Date:	**06/11/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Deposition**

File Date:	**06/14/2024**

Document Name:	**Answer**
Comment:	**Plaintiff's Answer to Counter Complaint**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/14/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discov Svc**

File Date:	**06/17/2024**
Document Name:	**Notice of Service**
Comment:	**Notice of Discovery Svc**

File Date:	**06/20/2024**
Document Name:	**Motion / Request - To Dismiss**
Comment:	**Third-Party Defendant's Motion to Dismiss Third-Party Plaintiff's Amended Counterclaim**

File Date:	**06/20/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Supporting Exhibits for Motion to Dismiss**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Wildron Knowles Affidavit of Service**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Trica Knowles Affidavit of Service**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Kenneth Vogelstein Affidavit of Service**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Earl Hellum Affidavit of Service**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Berta Diaz Affidavit of Service**

File Date:	**06/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Affidavit of Service- Dominic Petrucci**

File Date:	**06/25/2024**
Document Name:	**Motion/Request for Protective Order**
Comment:	**Defendant's Motion/Request for Protective Order**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 1**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 2**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 3**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 4**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 5**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 6**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 7**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 8**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 9**

File Date:	**06/25/2024**

Document Name:	**Supporting Exhibit**
Comment:	**Exhib 10**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 11**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 12**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 13**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 14**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib 15**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**06/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib C**

File Date:	**06/25/2024**
Document Name:	**Supporting Document**
Comment:	**Rule 2-431 Cert**

File Date:	**07/03/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery Service**

File Date:	**07/05/2024**
Document Name:	**Opposition**
Comment:	**Defendants' Opposition to Counter-Defendant's Motion to Dismiss**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit B**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**

Comment:	**Exhibit C**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit D**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit F**

File Date:	**07/05/2024**
Document Name:	**Supporting Document**
Comment:	**Notice of Restricted Information**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A - unredacted--to be shielded**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A - redacted**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit E - unredacted--to be shielded**

File Date:	**07/05/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit E - redacted**

File Date:	**07/09/2024**
Document Name:	**Order**
Comment:	**Denying Motion to Dismiss Defendant's Counterclaim. Eserved to Lusk, Bright, Gross, and Spitalnick. Mailed to Clere Services LLC.**

File Date:	**07/09/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order**

File Date:	**07/09/2024**
Document Name:	**Opposition**
Comment:	**Counterclaim Third-Party Defendant's Opposition to Protective Order**

File Date:	**07/11/2024**
Document Name:	**Reply to Opposition**
Comment:	**Reply**

File Date:	**07/11/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**07/11/2024**

Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**07/22/2024**
Document Name:	**Order**
Comment:	**protective order be issued providing that defendant Anderson and Legacy may not be deposed a second time, etc. Copies eserved to Atty Luck, Bright, Gross, and Spitlanick**

File Date:	**07/22/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order**

File Date:	**07/23/2024**
Document Name:	**Notice of Service**
Comment:	**Notice Discovery Service**

File Date:	**07/25/2024**
Document Name:	**Answer**
Comment:	**Third-Party/Counterclaim Defendant's Answer to Counter Complaint**

File Date:	**07/25/2024**
Document Name:	**Motion - Reconsideration**
Comment:	**Third-Party/Counterclaim Defendant's Motion to Reconsider**

File Date:	**07/25/2024**
Document Name:	**Deficient Filing**
Comment:	**Unsigned Opposition to Motion to Reconsider with Unsigned COS**

File Date:	**07/25/2024**
Document Name:	**Deficient Filing**
Comment:	

File Date:	**07/25/2024**
Document Name:	**Deficient Filing**
Comment:	

File Date:	**07/25/2024**
Document Name:	**Deficient Filing**
Comment:	

File Date:	**07/25/2024**
Document Name:	**Reply to Opposition**
Comment:	**Third-Party/Counterclaim Defendant's Reply Brief**

File Date:	**07/29/2024**
Document Name:	**Notice of Deficiency - Rule 20-203(d)**
Comment:	

File Date:	**07/29/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**notice**

File Date:	**07/29/2024**
Document Name:	**Opposition**
Comment:	**Defendants' Opposition to Counter-Defendant's Motion for Reconsideration**

File Date:	**07/29/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**07/29/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit B**

File Date:	**07/30/2024**
Document Name:	**Order**
Comment:	**Denying the counter-defendants motion for reconsideration, etc. Copies eserved to Atty Luck, Bright, Gross, and Spitlalnick,**

File Date:	**07/30/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order**

File Date:	**08/06/2024**
Document Name:	**Notice of Discovery**
Comment:	**Notice of Discovery Service**

File Date:	**09/12/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Def Pre-Trial Stmt**

File Date:	**09/16/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Plaintiffs Pre-Trial Statement**

File Date:	**09/16/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Counter/Defendants Pre-Trial Statement**

File Date:	**09/17/2024**
Document Name:	**Pre-Trial/Hearing Statement**
Comment:	**Amended Defendant's Pre-Trial Statement**

File Date:	**09/17/2024**
Document Name:	**Supporting Document**
Comment:	**Amended Defendant's Pre-Trial Statement Redlined**

File Date:	**09/20/2024**
Document Name:	**CS Pre-Trial Disposition Sheet**
Comment:	**PTC - Not Settled.**

File Date:	**10/16/2024**
Document Name:	**Motion - Limine**
Comment:	**Plaintiff/Counter-claim Defendant and Counter Claim Defendant's Motion in Limine**

File Date:	**10/16/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Supporting Exhibits**

File Date:	**10/25/2024**
Document Name:	**Opposition**
Comment:	**Def Opposition to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib C to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib D to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib E to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib F to Def Opp to Plt MIL**

File Date:	**10/25/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib G to Def Opp to Plt MIL**

File Date:	**11/05/2024**
Document Name:	**Notice of Service**
Comment:	**Notice of Service of Trial Exhibits**

File Date:	**11/05/2024**
Document Name:	**Notice of Service**
Comment:	**Notice of Trial exhibits**

File Date:	**11/13/2024**
Document Name:	**Order**
Comment:	**Denying motion - limine, copies eserved to Atty Luck, Bright, Gross, Spitalnick, and mailed to Clere Services LLC**

File Date:	**11/13/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**

Comment:	**order denying**

File Date:	**11/15/2024**
Document Name:	**Proposed Verdict Sheet**
Comment:	**Defendants' Proposed Verdict Sheet**

File Date:	**11/15/2024**
Document Name:	**Designation / List Witness(es)**
Comment:	**Plaintiff/Counter-Defendants Witness List**

File Date:	**11/15/2024**
Document Name:	**Line**
Comment:	**Plaintiff/Counter-Defendant's Estimate Time for Trial**

File Date:	**11/15/2024**
Document Name:	**Jury Instructions**
Comment:	**Plaintiff/Counter-Defendants Jury Instructions**

File Date:	**11/15/2024**
Document Name:	**Requested Voir Dire**
Comment:	**Plaintiff/Counter-Defendants Voir-Dire Questions**

File Date:	**11/15/2024**
Document Name:	**Proposed Verdict Sheet**
Comment:	**Plaintiff/Counter-Defendant Proposed Verdict Sheet**

File Date:	**11/15/2024**
Document Name:	**Motion - Limine**
Comment:	**Motion - Limine**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib C MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib D MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib E MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib F MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib G MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib H MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib I MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib J MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib K MIL**

File Date:	**11/15/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib L MIL**

File Date:	**11/15/2024**
Document Name:	**Requested Voir Dire**
Comment:	**Proposed Voir Dire**

File Date:	**11/15/2024**
Document Name:	**Jury Instructions**
Comment:	

File Date:	**11/15/2024**
Document Name:	**Notice of Objection Filed**
Comment:	**Objection to Exhibs**

File Date:	**11/15/2024**
Document Name:	**Designation / List Witness(es)**
Comment:	**Witness List**

File Date:	**11/15/2024**
Document Name:	**Line**
Comment:	**Estimate of Trial Time**

File Date:	**11/21/2024**
Document Name:	**Return/Affidavit of Served Subpoena**
Comment:	**Affidavit of Service for Witness Earl Hellm**

File Date:	**11/21/2024**
Document Name:	**Supporting Document**
Comment:	**Subpoena to appear - Earl Hellem**

File Date:	**11/25/2024**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**11/25/2024**
Document Name:	**Voir Dire**
Comment:	

File Date:	**11/25/2024**
Document Name:	**Exhibits Checked**
Comment:	

File Date:	**11/25/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #1**

File Date:	**11/25/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form-Jury Note #1**

File Date:	**11/25/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #2**

File Date:	**11/25/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #2**

File Date:	**11/25/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #3**

File Date:	**11/25/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #3**

File Date:	**11/26/2024**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**11/26/2024**
Document Name:	**Exhibits Checked**
Comment:	

File Date:	**11/26/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #4**

File Date:	**11/26/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #4**

File Date:	**11/26/2024**

Document Name:	**Jury Notes**
Comment:	**Jury Note #5**

File Date:	**11/26/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #5**

File Date:	**11/26/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #6**

File Date:	**11/26/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #6**

File Date:	**11/26/2024**
Document Name:	**Motion - Limine**
Comment:	**Plaintiff's Motion Limine**

File Date:	**11/26/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Supporting Exhibit A**

File Date:	**11/27/2024**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**11/27/2024**
Document Name:	**Exhibits Checked**
Comment:	

File Date:	**11/27/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #7**

File Date:	**11/27/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #7**

File Date:	**12/01/2024**
Document Name:	**Motion**
Comment:	**Plaintiff/Counter-Defendant's Motion for Mistrial**

File Date:	**12/02/2024**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**12/02/2024**
Document Name:	**Exhibits Checked**
Comment:	

File Date:	**12/02/2024**
Document Name:	**Jury Notes**

Comment:	**Jury Note #8**

File Date:	**12/02/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #8**

File Date:	**12/03/2024**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**12/03/2024**
Document Name:	**Jury Instructions**
Comment:	

File Date:	**12/03/2024**
Document Name:	**Exhibits Checked**
Comment:	

File Date:	**12/03/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #9**

File Date:	**12/03/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #9**

File Date:	**12/03/2024**
Document Name:	**Jury Notes**
Comment:	**Jury Note #10**

File Date:	**12/03/2024**
Document Name:	**Miscellaneous Document**
Comment:	**Clerk's Form- Jury Note #10**

File Date:	**12/03/2024**
Document Name:	**Verdict Sheet**
Comment:	

File Date:	**12/04/2024**
Document Name:	**Notice of Recorded Judgment**
Comment:	**copies eserved to Attorney Spitalnick, Attorney Gross, Attorney Lusk, and Attorney Bright. copies mailed to J. Clere, Clere Services, LLC, D. Anderson, and Legacy Pool and Spa, LLC.**

File Date:	**12/04/2024**
Document Name:	**Case Closed**
Comment:	

File Date:	**12/04/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Recorded Judgment- Spitalnick**

File Date:	**12/04/2024**

Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Recorded Judgment- Gross**

File Date:	**12/04/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Recorded Judgment- Lusk**

File Date:	**12/04/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Recorded Judgment- Bright**

File Date:	**12/09/2024**
Document Name:	**Order - Motion/Request/Petition Denied**
Comment:	**Denied as Moot. Copy eserved to Spitalnick, Gross, Lusk, Bright**

File Date:	**12/09/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Denying Motion**

File Date:	**12/12/2024**
Document Name:	**Motion / Petition - Attorney/Counsel Fees**
Comment:	**Def Motion Atty Fees**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib C**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib D**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib E**

File Date:	**12/12/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib E.1**

File Date:	**12/12/2024**
Document Name:	**Notice of Restricted Information**
Comment:	**NRI**

File Date:	**12/16/2024**
Document Name:	**Order**

Comment:	**Motion is moot at this time. Copies E served to Lusk and Gross**

File Date:	**12/16/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order**

File Date:	**12/20/2024**
Document Name:	**Motion/Petition to Seal**
Comment:	

File Date:	**12/20/2024**
Document Name:	**Supporting Exhibit**
Comment:	**A exhibits supporting motion to stay**

File Date:	**12/24/2024**
Document Name:	**Motion / Request - To Stay**
Comment:	**Sealed Supplement to Motion for Stay filed Under Seal**

File Date:	**12/24/2024**
Document Name:	**Supporting Exhibit**
Comment:	**Supporting Exhibit A to Motion for Stay**

File Date:	**12/24/2024**
Document Name:	**Deficient Filing**
Comment:	**Notice of Appeal**

File Date:	**12/24/2024**
Document Name:	**Civil Information Report - Appeal to ACM**
Comment:	**Civil Information Report- ACM**

File Date:	**12/27/2024**
Document Name:	**Notice of Deficiency - Rule 20-203(d)**
Comment:	**Copies e-served to Spitalnick**

File Date:	**12/27/2024**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Notice of Deficiency**

File Date:	**12/27/2024**
Document Name:	**Notice of Appeal to ACM**
Comment:	**Notice of Appeal**

File Date:	**12/27/2024**
Document Name:	**Opposition**
Comment:	**to Plainitff's Motion to Stay**

File Date:	**12/27/2024**
Document Name:	**Supporting Exhibit**
Comment:	**A newspaper clipping**

File Date:	**12/27/2024**
Document Name:	**Supporting Exhibit**
Comment:	**B Email**

File Date:	**12/27/2024**
Document Name:	**Opposition**
Comment:	**to Plaintiff's Motion to Seal**

File Date:	**01/02/2025**
Document Name:	**Order**
Comment:	**Plaintiff's Motion to Seal is Denied. Copy eserved to Spitalnick, Gross, Lusk, Bright**

File Date:	**01/02/2025**
Document Name:	**Order**
Comment:	**Plaintiff's Motion to Stay is Denied.Copy eserved to Spitalnick, Gross, Lusk, Bright**

File Date:	**01/03/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order re stay**

File Date:	**01/03/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order re seal**

File Date:	**01/03/2025**
Document Name:	**Response/Reply**
Comment:	**Plaintiff's Reply to Defendants Opposition for Stay**

File Date:	**01/07/2025**
Document Name:	**Request for Writ of Garnishment - Wages**
Comment:	**Req Writ Garn Wages**

File Date:	**01/07/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/07/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Writ Garn Prop - M&T**

File Date:	**01/07/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/07/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Writ Garn Prop - Square**

File Date:	**01/07/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/08/2025**
Document Name:	**Writ of Garnishment of Wages Issued**
Comment:	**Eserved to Lusk**

File Date:	**01/08/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**Eserved to Lusk**

File Date:	**01/08/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**Eserved to Lusk**

File Date:	**01/08/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ Wages**

File Date:	**01/08/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Garnishment MT**

File Date:	**01/08/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Garnishment Square**

File Date:	**01/08/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Writ Garn Property LLC - M&T (Clere Services LLC)**

File Date:	**01/08/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/08/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Writ Garn Property LLC - Square (Clere Services)**

File Date:	**01/08/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/09/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**(Clere Services, LLC) Eserved to Lusk for Service**

File Date:	**01/09/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**(Clere Services LLC) Eserved to Lusk for Service**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Garnishment of Property-M&T (Clere Services LLC)**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Garnishment of Property-Square (Clere Services LLC)**

File Date:	**01/09/2025**

Document Name:	**Order**
Comment:	**Set For Hearing Regarding Motion For Attorney Fees. Eserved to Lusk, Bright, Gross, and Spitalnick.**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Set For Hearing**

File Date:	**01/09/2025**
Document Name:	**Hearing Notice Issued**
Comment:	**2/3 hrg**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Technology Notice**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Lusk**

File Date:	**01/09/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Hearing Notice Gross**

File Date:	**01/13/2025**
Document Name:	**Opposition**
Comment:	**Opposition to Motion for Attorney Fees**

File Date:	**01/15/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Writ Garn Property Block - LLC**

File Date:	**01/15/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A LLC**

File Date:	**01/15/2025**
Document Name:	**Request for Writ of Garnishment - Property**
Comment:	**Req Garn Property Block - JC**

File Date:	**01/15/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A JC**

File Date:	**01/17/2025**
Document Name:	**Writ of Garnishment of Wages Issued**
Comment:	**ISSUED IN ERROR eServed to Lusk**

File Date:	**01/17/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**ISSUED IN ERROR**

File Date:	**01/17/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**WRIT OF GARNISH**

File Date:	**01/17/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**WRIT**

File Date:	**01/17/2025**
Document Name:	**Writ of Garnishment of Property Issued**
Comment:	**eserved to Lusk**

File Date:	**01/17/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**writ garn property**

File Date:	**01/17/2025**
Document Name:	**Notice of Service**
Comment:	**Notice of Service**

File Date:	**01/17/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/17/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**01/17/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib C**

File Date:	**01/17/2025**
Document Name:	**Answer of Garnishee**
Comment:	

File Date:	**01/21/2025**
Document Name:	**Answer of Garnishee**
Comment:	

File Date:	**01/23/2025**
Document Name:	**Affidavit - Service**
Comment:	**Notice Service**

File Date:	**01/23/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib A**

File Date:	**01/23/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhib B**

File Date:	**01/24/2025**

Document Name:	**Notice of Service**
Comment:	**Block Inc**

File Date:	**01/24/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A**

File Date:	**01/27/2025**
Document Name:	**Answer of Garnishee**
Comment:	

File Date:	**01/29/2025**
Document Name:	**Order to Proceed**
Comment:	

File Date:	**02/03/2025**
Document Name:	**Hearing Sheet**
Comment:	

File Date:	**02/04/2025**
Document Name:	**Order**
Comment:	**Granting Motion for Attorney's Fees- Counter Defendant and Plaintiff to pay $99,913.00 to Defendants. Eserved to Spitalnick, Gross, Lusk and Bright**

File Date:	**02/04/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Granting Motion for Attorney's Fees**

File Date:	**02/04/2025**
Document Name:	**Order Received from Appellate Court of Maryland**
Comment:	**Order Granting Motion for Waiver of Prepaid Appellate Costs**

File Date:	**02/04/2025**
Document Name:	**Opposition**
Comment:	**Plaintiffs Omnibus Answer to Writs of Garnishment**

File Date:	**02/10/2025**
Document Name:	**Answer of Garnishee**
Comment:	**Garnishee Confession of Assets MT**

File Date:	**02/12/2025**
Document Name:	**Request for Writ of Garnishment - Wages**
Comment:	

File Date:	**02/12/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A-Interest Worksheet**

File Date:	**02/12/2025**
Document Name:	**Response/Reply**
Comment:	**Response to Plaintiff's Omnibus Answer To Defendant's Request for Garnishment**

File Date:	**02/14/2025**
Document Name:	**Writ of Garnishment of Wages Issued**
Comment:	**Eserved to Lusk for Service**

File Date:	**02/14/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Writ of Garnishment of Wages**

File Date:	**02/14/2025**
Document Name:	**Correspondence**
Comment:	**from Coastal Pools regarding Garnishment**

File Date:	**02/18/2025**
Document Name:	**Order**
Comment:	**Opposition to Writ of garnishment, Moot, does not require court order, writ of garnishment of wages was issued by the clerk, etc. Copies eserved to Atty Lusk, Bright, Gross, and Spitalnick**

File Date:	**02/18/2025**
Document Name:	**Order**
Comment:	**Denying plaintiff's answer to defendant's request for garnishment, to the extent that it requests dismissal of the writs of garnishment, etc. Copies eserved to Atty Lusk, Bright, Gross, and Spitalnick**

File Date:	**02/18/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Moot Order**

File Date:	**02/18/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order as to Cost**

File Date:	**02/20/2025**
Document Name:	**Notice of Service**
Comment:	

File Date:	**02/20/2025**
Document Name:	**Supporting Exhibit**
Comment:	

File Date:	**03/17/2025**
Document Name:	**Request - Waiver of Prepaid Costs Assemble Record for Appeal**
Comment:	

File Date:	**03/17/2025**
Document Name:	**Request for Waiver of Prepaid Appellate Costs**
Comment:	

File Date:	**03/17/2025**
Document Name:	**Notice of Restricted Information**
Comment:	

File Date:	**03/18/2025**
Document Name:	**Opposition**
Comment:	**to Plaintiff's Request for Waiver of Costs for Assembling the Record for Appeal**

File Date:	**03/18/2025**
Document Name:	**Supporting Exhibit**
Comment:	**Exhibit A to Defendants' Opposition**

File Date:	**03/24/2025**
Document Name:	**Order**
Comment:	**Request for Waiver of Appellate Costs is Moot. The Appellate Costs of $121 were paid on 2/27/2024 Copies e-served to Gross, Bright, and Lusk**

File Date:	**03/24/2025**
Document Name:	**Order - Waiver of Prepaid Costs Denied**
Comment:	**Copies e-served to Gross, Bright, and Lusk**

File Date:	**03/24/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Denying Request for Waiver of Prepaid Appellate Costs**

File Date:	**03/24/2025**
Document Name:	**Writ/Summons/Pleading - Confidential Electronic Service**
Comment:	**Order Request for Waiver of Appellate Costs is Moot**

File Date:	**03/25/2025**
Document Name:	**Order - Waiver of Prepaid Costs - Appeal Record - Denied**
Comment:	**Copies e-served to Gross, Bright and Lusk**

File Date:	**03/25/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order Denying Waiver of Costs**

File Date:	**03/31/2025**
Document Name:	**Certification**
Comment:	**Original Case File**

File Date:	**03/31/2025**
Document Name:	**Original Record Sent**
Comment:	

File Date:	**03/31/2025**
Document Name:	**Cover Sheet**
Comment:	**Regarding appeal sent to ACM. Copies e-served to Gross; Spitalnick; Lusk; Bright**

File Date:	**03/31/2025**
Document Name:	**Motion - Reconsideration**
Comment:	**PLaintiff's Motion for Reconsideration**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Cover Letter regarding Appeal**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Cover Letter regarding Appeal**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Cover Letter regarding Appeal**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Cover Letter regarding Appeal**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Appeal Index**

File Date:	**04/01/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Case Summary**

File Date:	**04/02/2025**
Document Name:	**Opposition**
Comment:	**Defs' Opp to Plt's Motion Reconsider**

File Date:	**04/08/2025**
Document Name:	**Order**
Comment:	**denying motion for reconsideration. E served to Lusk and Gross**

File Date:	**04/08/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**order**

File Date:	**04/14/2025**
Document Name:	**Order Received from Appellate Court of Maryland**
Comment:	**Order to Show Cause regarding failure to file Transcripts**

File Date:	**05/02/2025**
Document Name:	**Order Received from Appellate Court of Maryland**
Comment:	**Appeal is dismissed for appellant's failure to provide the transcripts necessary to the consideration of this appeal.**

File Date:	**06/16/2025**
Document Name:	**Mandate & Statement of Costs**
Comment:	**$60**

File Date:	**06/27/2025**
Document Name:	**Suggestion of Bankruptcy**
Comment:	**Suggestion of Bankruptcy with Certificate of Service**

File Date:	**06/27/2025**
Document Name:	**Supporting Document**

Comment:	**US Bankruptcy Court's Notice of Bankruptcy Case Filing**

File Date:	**07/08/2025**
Document Name:	**Order**
Comment:	**Order Staying Proceedings, that all proceedings in the above-referenced matter be and the same are hereby Stayed, as to plaintiff Jacob Clere pending receipt of an order of the US Bankruptcy Court, etc. Copies eserved to Atty Lusk, Bright, Gross, and Spitalnick**

File Date:	**07/08/2025**
Document Name:	**Writ /Summons/Pleading - Electronic Service**
Comment:	**Order**

BEFORE THE MARYLAND HOME IMPROVEMENT COMMISSION

IN THE MATTER OF THE CLAIM OF ROBERT HESS	*	
	*	
Claimant		
	*	
AGAINST THE MARYLAND HOME IMPROVEMENT COMMISSION GUARANTY FUND FOR THE ACTS OR OMISSIONS OF	*	**M.H.I.C. No. 25 (75) 235**
JACOB RYAN CLERE CLERE SERVICES LLC 25384 SANDY POINT ROAD GREENSBORO, MD 21639	*	
	*	
LICENSE No(s). #01-146408		
Respondent		

* * * * * * * *

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Home Improvement Commission Guaranty Fund. It has been established that the Claimant entered into a home improvement contract with the above-named Respondent and that the Respondent performed the work in an unworkmanlike, incomplete, or inadequate manner. It has further been established that, as a result of the conduct of the Respondent, the Claimant has sustained an actual loss in the amount of **$2,100.00**.

Accordingly, the Commission hereby awards the Claimant **$2,100.00** from the Maryland Home Improvement Guaranty Fund, and Orders that:

1. Pursuant to Md. Code Ann., Business Regulation Art., § 8-411(a) any home improvement licenses held by the Respondent are suspended and the Respondent is ineligible for any home improvement license until the Respondent has repaid any money paid from the Home Improvement Guaranty Fund pursuant to this Order with 10% annual interest.

2. The records and publications of the Maryland Home Improvement Commission shall reflect this decision.

3. This decision is a proposed decision only and may be challenged by either the Claimant or the Respondent. If either party disagrees with this Proposed Order they may request a hearing or file written exceptions with the Commission. Any request for a hearing or exceptions must be in writing addressed to Home Improvement Commission Executive Director David Finneran at 1100 N. Eutaw Street, Room 300, Baltimore, Maryland, 21201 and must be received within 21 days of the postmark date of this Proposed Order. If neither party files a timely request for hearing or written exceptions, this Proposed Order will become final at the end of the 21-day period.

APPROVED: *David Finneran*
David Finneran
Executive Director

DATE: November 26, 2024

E-FILED; Washington Circuit Court
Docket: 3/31/2025 5:14 PM; Submission: 3/31/2025 5:14 PM
Envelope: 20595945

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR
12404 Rocky Fountain Ln.
Clear Spring, MD 21722
Plaintiff,

v.

SHAUN PORTER
20033 Cool Hollow Rd.
Hagerstown, MD 21740
Defendant.

Civil Case No. C-21-CV-25-161

COMPLAINT AND PRAYER FOR JURY TRIAL

Plaintiff John Barr, by and through undersigned counsel, brings this Complaint against Defendant Shaun Porter for defamation, Invasion of Privacy, and Intentional Infliction of Emotional Distress, seeking injunctive relief and damages. In support thereof, Plaintiff states as follows:

PARTIES

1. Plaintiff John Barr ("Barr") is an individual residing in Washington County, Maryland.

2. Defendant Shaun Porter ("Porter") is an individual who resides in Washington County, Maryland.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to Maryland law, as the wrongful conduct occurred within the State of Maryland.

5. Venue is proper in Washington County, Maryland, as the acts giving rise to this claim occurred in this jurisdiction.

FACTUAL BACKGROUND

6. On or about December 17, 2024, Defendant Porter publicly displayed a large sign measuring approximately 3 feet high and 6 feet wide containing false and defamatory statements about Plaintiff John Barr.

7. The sign falsely alleged that Barr engaged in sexual intercourse with his late mother, Evelyn C. Barr, which constitutes a crime under Maryland law.

8. Under Md. Code, Criminal Law § 3-323, incest is a felony punishable by up to 10 years in prison.

9. Incest is also an action of moral turpitude, as it is inherently wrong, immoral, and unethical by society's standards.

10. The sign contained the following statements, purportedly a conversation between Barr and a "reporter":

> COMMISSIONER JOHN BARR
> TALKS ABOUT HIS FIRST TIME…
>
> BARR: My first time was with my Mom in an outhouse in Lynchburg, Virginia.
>
> REPORTER: Isn't that a little odd sleeping with your mother?
>
> BARR: Well, everyone else in town already had, and I was Jeff Cline wasted on Campari!!!

Shaun Porter
December 8, 2024 ·
NEW JOHN BARR SIGN!!!
COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME...
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!
CAMPARI
4
Like
Send
Share

11. The sign contained a picture of Barr and an image of a wine bottle labeled "Campari."

12. The vulgar allegation made by Porter involving Barr and his mother Evelyn C. Barr is unequivocally false and has no basis in reality.

13. No such statements were ever made to any "reporter."

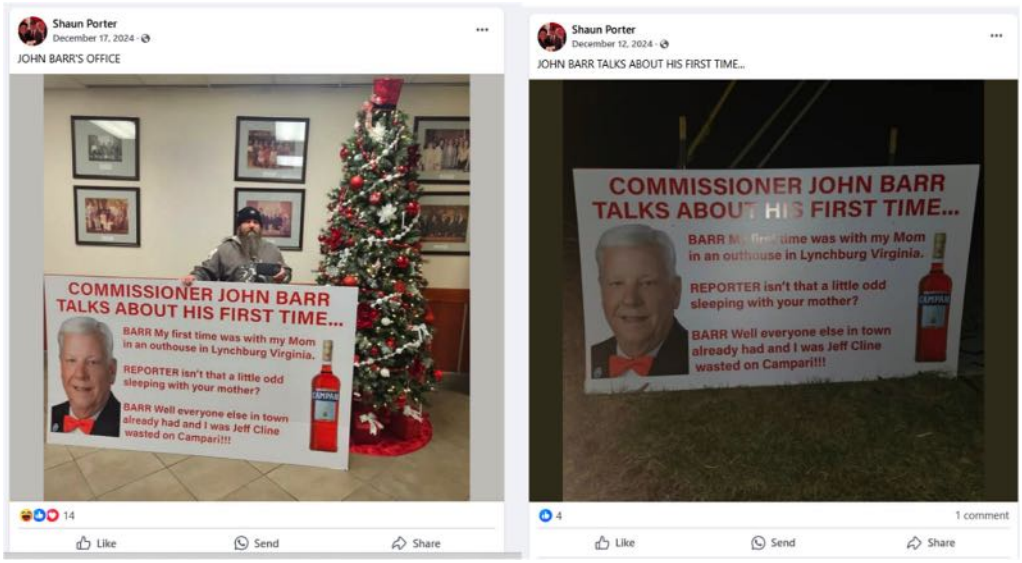
14. Barr has never been to Lynchburg, Virginia.

15. Barr does not drink alcohol.

16. Porter displayed the sign in public numerous times, including at a public meeting in full view of a camera that was livestreaming the meeting on the internet and later published on Washington County's website.

17. Porter took deliberate actions to publicize this defamatory statement, knowing it would be widely disseminated.

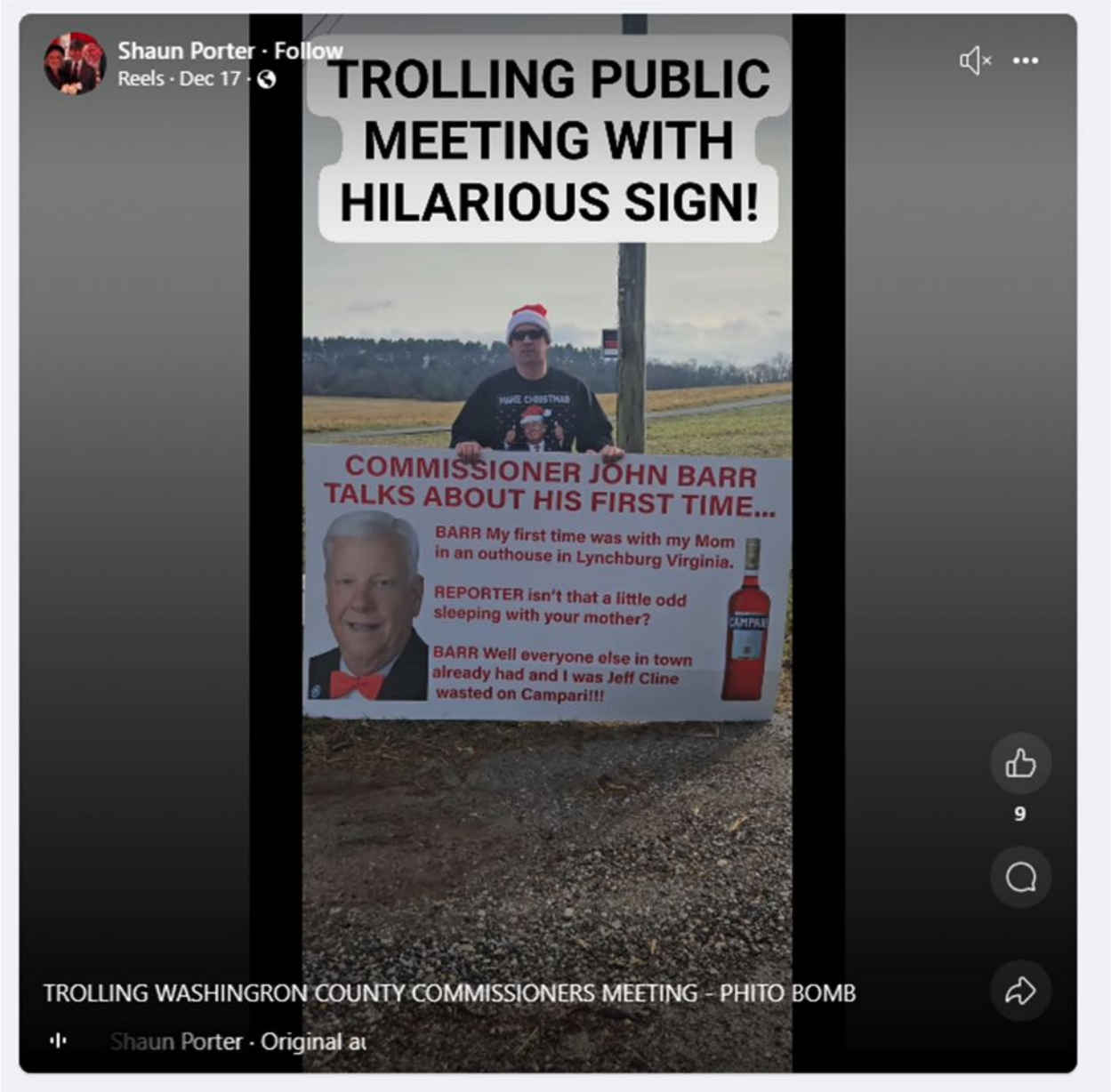
18. Porter posted several pictures of the sign on his Facebook page, further spreading the false allegations.


Shaun Porter
December 17, 2024
JOHN BARR'S OFFICE
COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME...
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!
14
Like
Send
Share
Shaun Porter
December 12, 2024
JOHN BARR TALKS ABOUT HIS FIRST TIME...
COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME...
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!
4
1 comment
Like
Send
Share

19. One of the posts includes a prominent caption: "WASHINGTON COUNTY COMMISSIONER JOHN BARR SLEEPS WITH HIS MOM!!!!"

Shaun Porter
December 13, 2024
Shaun Porter · Follow
Reels · Dec 13
COMMISSIONER JOHN BARR SLEEPS WITH HIS MOM!!!
COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME...
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!
FUNNIEST POLITICAL SIGN YET!!
FUNNIEST LOCAL POLITICAL SIGN YET!! WASHINGTON COUNTY COMMISSIONER JOHN BARR!!!
Shaun Porter · Origina
2

20. Porter also posted a video in which he boasted about prominently displaying the sign so that it would appear on the County's YouTube feed, stating that he did so to ensure "everyone" would know about the false allegations.


Shaun Porter · Follow
Reels · Dec 17 ·
TROLLING PUBLIC MEETING WITH HILARIOUS SIGN!
COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME...
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!
9
TROLLING WASHINGRON COUNTY COMMISSIONERS MEETING - PHITO BOMB
Shaun Porter · Original au

21. In his post, Porter further claimed that he intended to take the sign to "every single public event that [Barr] goes to."

22. The Facebook post remains publicly visible as of the filing of this Complaint.

23. The allegations contained in the sign, the caption, and Porter's statements are unequivocally false and entirely baseless.

24. Defendant Porter has in the past displayed vulgar signs and made profane statements about Barr, including comparing Barr to Hitler.

25. Those past statements are not the subject of this lawsuit.

26. Porter's allegations that Barr and his mother engaged in criminal activity are what is at issue in this lawsuit. Those allegations are not opinions; they are false statements of fact that accuse Barr and his mother of committing an egregious felony, a sin, and an outrageous act of moral turpitude.

27. Any reasonable person would understand that allegations of the type made by Porter against Barr can lead to professional harm and social stigma.

28. The statements made by Porter constitute defamation per se, as they falsely allege that Barr and the late Evelyn C. Barr engaged in criminal conduct.

29. The defamatory statements have proximately caused severe emotional distress to Barr and to all of the surviving children of Evelyn C. Barr, particularly as the defamatory statements were made just before Christmas and during the time when Barr and his siblings were still in mourning over the loss of their mother.

30. Evelyn C. Barr passed away at the age of ninety-two on January 13, 2024. She was a devoted mother of eight children, and a devoted grandmother and great-grandmother. She and her husband were foster parents. She was actively involved in her church for over half a century. She had an outstanding reputation for being kind, generous, and philanthropic with her time and money.

31. Porter's defamatory statements devastated the Barr family's ability to enjoy the Christmas holiday season. The emotional distress caused by Porter's unspeakable and egregious conduct – gratuitously slandering the reputation, memory, and legacy of the family matriarch who had just passed less than a year prior – cast a dark shadow over what should have been a time of mourning, remembrance, consolation and celebration, leaving the family unable to escape the constant, intrusive thoughts of the damaging falsehoods. The family's grief was compounded by the public nature of the statements, preventing them from finding solace and peace during the already painful time of loss.

32. Porter continued to display the sign to the public on his property for a month following the initial display, all through the holiday season and into the new year.

33. Porter lives in close proximity to several of Evelyn C. Barr's children who were forced to pass the sign while it was on display, causing them severe emotional anguish during their time of mourning.

34. The sign was so widely publicized that wherever Barr went people would mention it to him, causing him emotional anguish, anxiety, anger, and humiliation.

35. To Barr, it felt as if the sign was posted on his back.

36. The feelings of anguish interfered with Barr's public life, as he was unable to concentrate on his daily activities without thinking of the slander against him and his late mother who had just recently passed away.

37. Barr suffered additional anxiety because the defamation falsely accused him of a felony, and he feared that it could lead to an investigation. Barr holds several professional and civic positions whereby an allegation of such an egregious and public nature can trigger an

investigation, and the mere existence of such an investigation, even if the allegations are completely fabricated, can cause severe professional harm.

38. It interfered with his ability to socialize because the topic of the sign was ever present and had become a source of anxiety, anger, embarrassment, anguish and humiliation.

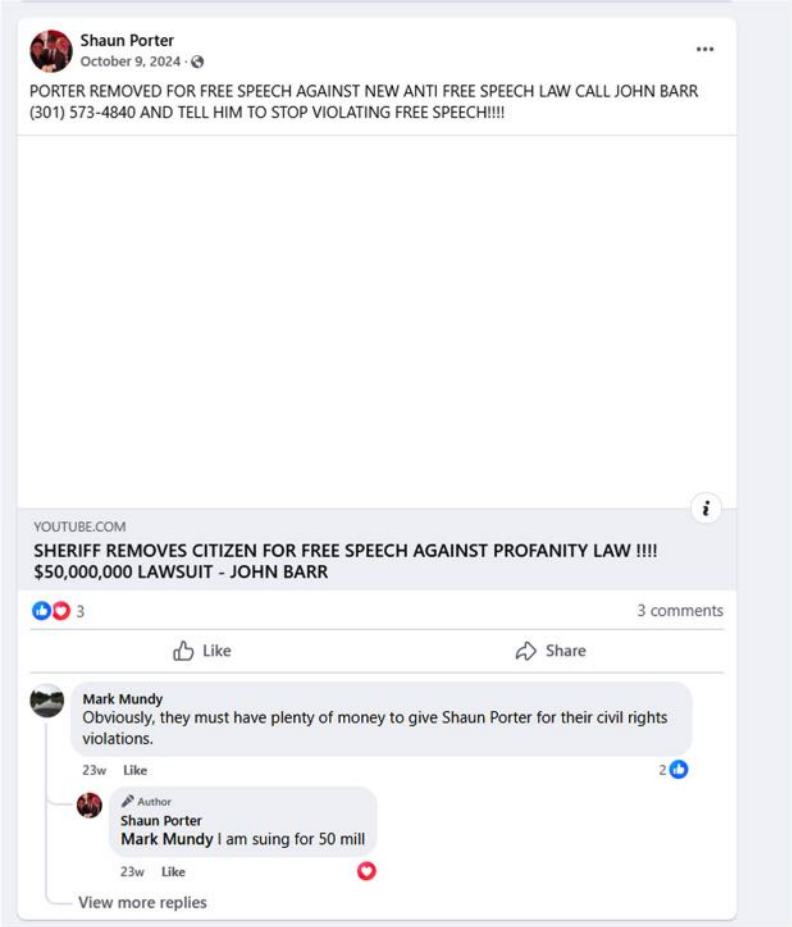
39. The stress caused by these feelings adversely impacted on his health.

40. The defamation caused extreme anguish for Barr and his entire family for all of the foregoing reasons, but mostly because Evelyn C. Barr and her late husband Jack Barr stressed above all the importance of establishing a good reputation. As the Bible states, "a good name is better than good oil." Ecclesiastes 7:1. Jack and Evelyn Barr lived by that verse and worked their entire lives to establish a good name as a legacy and an inheritance to pass down to their children, grandchildren, and great-grandchildren. The Defendant's outrageous and shocking conduct – presumably for nothing more than a few clicks on social media – constitutes a direct attack on the legacy of Jack and Evelyn Barr and their entire family. John Barr is compelled to bring this lawsuit to defend his family name that has been falsely maligned in the most egregious manner.

41. Defendant Porter's actions were intentional, malicious, and designed to inflict maximum reputational and emotional harm upon John Barr, Evelyn C. Barr, and Evelyn C. Barr's surviving children, grandchildren, and great-grandchildren.

42. Defendant Porter's continued publication of defamatory material constitutes ongoing and irreparable harm to John Barr, Evelyn C. Barr, and Evelyn C. Barr's surviving family.

43. Defendant Porter also publicly revealed Barr's personal cellphone number numerous times on social media around September and October of 2024.


Shaun Porter
October 9, 2024 ·
PORTER REMOVED FOR FREE SPEECH AGAINST NEW ANTI FREE SPEECH LAW CALL JOHN BARR (301) 573-4840 AND TELL HIM TO STOP VIOLATING FREE SPEECH!!!!
YOUTUBE.COM
SHERIFF REMOVES CITIZEN FOR FREE SPEECH AGAINST PROFANITY LAW !!!! $50,000,000 LAWSUIT - JOHN BARR
3
3 comments
Like
Share
Mark Mundy
Obviously, they must have plenty of money to give Shaun Porter for their civil rights violations.
23w Like
2
Author
Shaun Porter
Mark Mundy I am suing for 50 mill
23w Like
View more replies

44. Barr does not know how Porter obtained Barr's personal cellphone number.

45. The number that Porter publicized is not associated with Barr's professional or civic associations.

46. There are other numbers available in the public domain that are designated to contact Barr in his professional or official capacity.

47. There is nothing in the public domain that connects President Barr in his official capacity to his private cellphone number.

48. As a result of Porter's public doxing of Barr's personal phone number on social media, Barr began to receive a deluge of offensive and threatening phone calls from unknown numbers with area codes associated with states other than Maryland throughout the United States.

49. The calls were obviously a result of Porter's doxing him because the callers would repeat the same offensive remarks about Barr that Porter routinely broadcast in his social media posts.

50. The calls became so disruptive that Barr could no longer use his phone for incoming calls and was forced to let all calls go to voicemail.

51. Barr suffered emotional distress when he received these calls and when he listened to the voicemails as the remarks were extremely offensive, and even threatening.

52. One call from an unknown number with an area code associated with Atlanta, Georgia left a message including physical threats against Barr. The threats were so serious that Barr made a police report, and the police opened an investigation.

CLAIMS FOR RELIEF

COUNT I – DEFAMATION

53. The allegations contained in the foregoing paragraphs are hereby incorporated as if fully set forth herein.

54. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs.

55. The statements made by Defendant Porter about Plaintiff John Barr and his mother Evelyn C. Barr are false, defamatory, and published to third parties.

56. These statements falsely accused John Barr and Evelyn C. Barr of committing a crime.

57. Defendant Porter made these statements with actual malice, knowing they were false or with reckless disregard for their truth or falsity.

58. As a result of these defamatory statements, John Barr, Evelyn C. Barr, and Evelyn C. Barr's surviving family have suffered severe emotional distress, reputational harm, and other damages.

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

59. The allegations contained in the foregoing paragraphs are hereby incorporated as if fully set forth herein.

60. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs.

61. Defendant Porter's conduct was extreme, outrageous, and beyond the bounds of decency in a civilized society.

62. Defendant Porter intentionally or recklessly caused severe emotional distress to John Barr, Evelyn C. Barr and all of Evelyn C. Barr's surviving family.

63. As a direct and proximate result of Defendant's actions, Plaintiff has suffered emotional pain and suffering, including overwhelming anguish and negative impacts to his health caused by stress, that has interfered with his ability to perform his daily activities and professional responsibilities.

COUNT III – INVASION OF PRIVACY (PUBLIC DISCLOSURE OF PRIVATE FACTS)

64. The allegations contained in the foregoing paragraphs are hereby incorporated as if fully set forth herein.

65. Defendant Porter publicized private information about Plaintiff Barr, specifically, Porter publicized Barr's private personal cellphone number on social media.

66. The cellphone number was not public information.

67. Barr's private cellphone number is not information of legitimate public concern.

68. The disclosure of Barr's personal cellphone number was highly offensive to a reasonable person.

69. As a direct and proximate cause of Porter doxing Barr's private cellphone number, Barr was deprived of the use of his cellphone for a month and suffered severe emotional anguish.

COUNT IV – INVASION OF PRIVACY (FALSE LIGHT)

70. The allegations contained in the foregoing paragraphs are hereby incorporated as if fully set forth herein.

71. Defendant knew that the allegations that he made about Plaintiff engaging in criminal conduct with Plaintiff's mother were false.

72. Alternatively, Defendant published these allegations in a reckless manner.

73. After the article appeared Defendant suffered the above-mentioned injuries and severe emotional distress.

74. Defendant improperly publicized facts about Plaintiff which placed Plaintiff in a false light by attributing to him conduct and characteristics which were false.

75. Defendant knew that the facts publicized about the private life of Plaintiff were false or printed with reckless disregard for the truth of those facts.

76. The publication of these facts was highly offensive to any reasonable person.

77. As a result of Defendant's conduct, Plaintiff suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs John Barr respectfully request that this Court enter judgment in his favor and award the following relief:

A. A permanent injunction requiring Defendant to remove defamatory material and prohibiting further defamatory conduct;

B. A permanent injunction requiring Defendant to remove Plaintiff's personal information.

C. Compensatory and emotional damages in an amount greater than $10,000,000.00, to be determined at trial;

D. Punitive damages in the amount to be determined at trial;

E. Attorneys' fees and court costs;

F. Any other relief this Court deems just and proper.

Respectfully submitted,

Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue, Hagerstown, Maryland, 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711
Fax Civil/Family/Juvenile: 301-791-0507

To: SHAUN PORTER
20033 COOL HOLLOW RD.
HAGERSTOWN, MD 21740

Case Number: **C-21-CV-25-000161**
Other Reference Number(s):
Child Support Enforcement Number:

JOHN BARR VS. SHAUN PORTER

Issue Date: 4/1/2025

WRIT OF SUMMONS

You are summoned to file a written response by pleading or motion, within 30 days after service of this summons upon you, in this court, to the attached complaint filed by:

JOHN BARR
2833 Smith Ave Suite 331
BALTIMORE, MD 21209

This summons is effective for service only if served within 60 days after the date it is issued.

Kevin R. Tucker
Clerk of the Circuit Court

To the person summoned:

Failure to file a response within the time allowed may result in a judgment by default or the granting of the relief sought against you.

Personal attendance in court on the day named is NOT required.

It is your responsibility to ensure that the court has your current and correct mailing address in order to receive subsequent filings and notice in this case.

Instructions for Service:

1. This summons is effective for service only if served within 60 days after the date issued. If it is not served within the 60 days, the plaintiff must send a written request to have it renewed.
2. Proof of Service shall set out the name of the person served, date and the particular place and manner of service. If service is not made, please state the reasons.
3. Return of served or unserved process shall be made promptly and in accordance with Maryland Rule 2-126.
4. If this notice is served by private process, process server shall file a separate affidavit as required by Maryland Rule 2-126(a).

SHERIFF'S RETURN
(please print)

To: SHAUN PORTER

_____ ID# _____ of the _____
Serving Sheriff's Name

County Sheriff's office present to the court that I:

(1) Served _____
Name of person served

on _____ at _____
Date of service Location of service

_____ by _____ with the following:
Manner of service

- ☐ Summons
- ☐ Complaint _____
- ☐ Motions
- ☐ Petition and Show Cause Order
- ☐ Other _____
  Please specify
- ☐ Counter-Complaint
- ☐ Domestic Case Information Report
- ☐ Financial Statement
- ☐ Interrogatories

(2) Was unable to serve because:

- ☐ Moved left no forwarding address
- ☐ No such address
- ☐ Address not in jurisdiction
- ☐ Other _____
  Please specify

Sheriff fee: $ _____ ☐ waived by _____

_____ _____
Date Signature of serving Sheriff

Instructions to Sheriff's Office or Private Process Server:

1. This Summons is effective for service only if served within 60 days after the date issued. If it is not served within 60 days, the plaintiff must send a written request to have it renewed.
2. Proof of Service shall set out the name of the person served, date and the particular place and manner of service. If service is not made, please state the reasons.
3. Return of served or unserved process shall be made promptly and in accordance with Rule 2-126.
4. If this summons is served by private process, process server shall file a separate affidavit as required by Rule 2-126(a).

E-SERVED Washington Circuit Court 4/1/2025 10:27 AM System SystemEnvelope:20603256
E-FILED; Washington Circuit Court
Docket: 4/1/2025 10:27 AM; Submission: 4/1/2025 10:27 AM
Envelope: 20603256

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue, Hagerstown, Maryland, 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711
Fax Civil/Family/Juvenile: 301-791-0507

To: SHAUN PORTER
20033 COOL HOLLOW RD.
HAGERSTOWN, MD 21740

Case Number: **C-21-CV-25-000161**
Other Reference Number(s):
Child Support Enforcement Number:

JOHN BARR VS. SHAUN PORTER

Issue Date: 4/1/2025

WRIT OF SUMMONS

You are summoned to file a written response by pleading or motion, within 30 days after service of this summons upon you, in this court, to the attached complaint filed by:

JOHN BARR
2833 Smith Ave Suite 331
BALTIMORE, MD 21209

This summons is effective for service only if served within 60 days after the date it is issued.

Kevin R. Tucker
Clerk of the Circuit Court

To the person summoned:

Failure to file a response within the time allowed may result in a judgment by default or the granting of the relief sought against you.

Personal attendance in court on the day named is NOT required.

It is your responsibility to ensure that the court has your current and correct mailing address in order to receive subsequent filings and notice in this case.

Instructions for Service:

1. This summons is effective for service only if served within 60 days after the date issued. If it is not served within the 60 days, the plaintiff must send a written request to have it renewed.
2. Proof of Service shall set out the name of the person served, date and the particular place and manner of service. If service is not made, please state the reasons.
3. Return of served or unserved process shall be made promptly and in accordance with Maryland Rule 2-126.
4. If this notice is served by private process, process server shall file a separate affidavit as required by Maryland Rule 2-126(a).

SHERIFF'S RETURN
(please print)

To: SHAUN PORTER

_____ ID# _____ of the _____
Serving Sheriff's Name

County Sheriff's office present to the court that I:

(1) Served _____
Name of person served

on _____ at _____
Date of service Location of service

_____ by _____ with the following:
Manner of service

- ☐ Summons
- ☐ Complaint _____
- ☐ Motions
- ☐ Petition and Show Cause Order
- ☐ Other _____
  Please specify
- ☐ Counter-Complaint
- ☐ Domestic Case Information Report
- ☐ Financial Statement
- ☐ Interrogatories

(2) Was unable to serve because:

- ☐ Moved left no forwarding address
- ☐ No such address
- ☐ Address not in jurisdiction
- ☐ Other _____
  Please specify

Sheriff fee: $ _____ ☐ waived by _____

_____ _____
Date Signature of serving Sheriff

Instructions to Sheriff's Office or Private Process Server:

1. This Summons is effective for service only if served within 60 days after the date issued. If it is not served within 60 days, the plaintiff must send a written request to have it renewed.
2. Proof of Service shall set out the name of the person served, date and the particular place and manner of service. If service is not made, please state the reasons.
3. Return of served or unserved process shall be made promptly and in accordance with Rule 2-126.
4. If this summons is served by private process, process server shall file a separate affidavit as required by Rule 2-126(a).

E-FILED; Washington Circuit Court
Docket: 4/11/2025 10:16 AM; Submission: 4/11/2025 10:16 AM
Envelope: 20749147

AFFIDAVIT OF SERVICE

Case: C-21-CV-25-000161	**Court:** Circuit Court for Washington County	**County:** Washington, MD	**Job:** 13082035
Plaintiff / Petitioner: John Barr		**Defendant / Respondent:** Shaun Porter	
Received by: Integrity Investigations & Processing		**For:** The Law Office of Sarah Spitalnick	
To be served upon: Shaun Porter			

I, Todd Webster, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

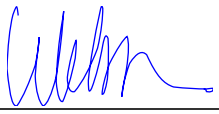
Recipient Name / Address: Shaun Porter, Home: 20033 Cool Hollow Road, Hagerstown, MD 21740

Manner of Service: Personal/Individual, Apr 11, 2025, 9:02 am EDT

Documents: Writ of Summons and Complaint and Prayer for Jury Trial (Received Apr 10, 2025 at 10:54am EDT)

Additional Comments:
1) Successful Attempt: Apr 11, 2025, 9:02 am EDT at Home: 20033 Cool Hollow Road, Hagerstown, MD 21740 received by Shaun Porter. Age: 46; Ethnicity: Caucasian; Gender: Male; Weight: 240; Height: 6';
Affiant made contact with Shaun Porter on the deck outside the front door of his residence.
Mr. Porter provided his personal descriptors and signed affiant's copy of Writ as acknowledgment of receipt of the aforementioned documents.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.



04/11/2025

Todd Webster — **Date**
Private Investigator, #23PLU-PD27359

Integrity Investigations & Processing
P.O. Box 2493
Hagerstown, MD 21741 info@integrity-investigations.org
301-733-7761

Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Date **Commission Expires**

E-FILED; Washington Circuit Court
Docket: 4/22/2025 11:24 AM; Submission: 4/22/2025 11:24 AM
Envelope: 20884434

AFFIDAVIT OF SERVICE

Case: C-21-CV-25-000161	**Court:** Circuit Court for Washington County	**County:** Washington, MD	**Job:** 13082035
Plaintiff / Petitioner: John Barr		**Defendant / Respondent:** Shaun Porter	
Received by: Integrity Investigations & Processing		**For:** The Law Office of Sarah Spitalnick	
To be served upon: Shaun Porter			

I, Todd Webster, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Shaun Porter, Home: 20033 Cool Hollow Road, Hagerstown, MD 21740

Manner of Service: Personal/Individual, Apr 11, 2025, 9:02 am EDT

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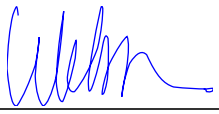
Mr. Porter provided his personal descriptors and signed affiant's copy of Writ as acknowledgment of receipt of the aforementioned documents.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.



04/11/2025

Todd Webster — **Date**
Private Investigator, #23PLU-PD27359

Integrity Investigations & Processing
P.O. Box 2493
Hagerstown, MD 21741 info@integrity-investigations.org
301-733-7761

Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Date **Commission Expires**

E-FILED; Washington Circuit Court
Docket: 5/9/2025 7:27 PM; Submission: 5/9/2025 7:27 PM
Envelope: 21148844

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, VIOLATION OF MARYLAND'S ANTI-SLAPP STATUTE AND/OR FOR SUMMARY JUDGMENT
(Expedited Hearing Requested)

Pursuant to Rules 2-322 and 2-501 and Md. Ann. Code, Cts. & Jud. Proc. § 5-807, Defendant Shaun Porter moves to dismiss Plaintiff's Complaint in the above- captioned matter for failure to state a claim and as a violation of Maryland's Anti-SLAPP statute.[1] In the alternative, Defendant moves for summary judgment. In addition, he states as follows:

I. INTRODUCTION

Plaintiff John Barr, is the highest elected official in Washington County, suing a voter for a political parody sign he doesn't like. This is done to chill Defendant's continued participation in public meetings, and speeches against Plaintiff's rule of the county. Defendant has been actively attending Plaintiff's public meetings and protesting the Plaintiff since October 8th 2024. Defendant has made multiple protest signs ridiculing this front facing, elected official, and public figure. Defendant is known worldwide for a ten-year history of political parody signs garnering over 1 billion views. Plaintiff is also suing for one month of unhappy citizens calling his cell phone which he uses to conduct county business on and freely give out to

[1] **Since Defendant has implicated Maryland's Anti-SLAPP statute, he is entitled to a hearing on this motion to dismiss "as soon as practicable". Md. Ann. Code, Cts. & Jud.**

strangers, politicians, government workers, and citizens he knows only through his position as an elected official as well as being available online. Plaintiff is represented by two attorneys and Defendant is Pro se, with a 9th grade education. Plaintiff is the highest ranked county politician in Washington County whereas Defendant is a private citizen protesting his elected politician.

FACTS NOT IN DISPUTE (See Exhibit A Affidavit)

Plaintiff's Facts Not in Dispute

1. Jurisdiction – this court has jurisdiction over this matter.
2. Venue – Washington County Maryland is the proper venue.
3. The sign-in-controversy falsely alleged that Barr engaged in sexual intercourse with his late mother, Evelyn. C. Barr, which constitutes a crime under Maryland Criminal law.
4. The sign stated the alleged outhouse where the sex took place was in LYNCHBURG VIRGINIA.
5. Under Md Code, Criminal Law § 3-323, incest is a felony punishable by up to 10 years in prison.
6. Incest is also an action of moral turpitude, as it is inherently wrong, immoral, and unethically in society's standards.
7. The sign contained the following statements, purportedly a conversation between Barr and a "reporter".

COMMISSIONER JOHN BARR

TALKS ABOUT HIS FIRST TIME…

BARR: My first time was with my mom in an outhouse in Lynchburg, Virginia.

REPORTER: Isn't that a little odd sleeping with your mother?

BARR: Well, everyone else in town already had, and I was Jeff Cline wasted on Campari!!!

8. The sign contained a picture of Barr, and an image of a wine bottle labeled “Campari”
9. The vulgar allegation made by Porter involving Barr and his mother Evelyn C. Barr unequivocally false and has no basis in reality.
10. No such statements were ever made to a “reporter”.
11. Barr has never been to Lynchburg Virginia.
12. Barr does not drink Alcohol.
13. Porter displayed the sign in public numerous times, including at A PUBLIC MEETING in full view of a camera that was livestreaming the meeting on the internet and later published on Washington County’s website which Barr controls.
14. One of the posts includes a prominent caption “WASHINGTON COUNTY COMMISSIONER JOHN BARR SLEEPS WITH HIM MOM!!!! (Picture in record clearly shows “FUNNIEST SIGN YET!!)
15. Porter also posted a video in which he boasted about prominently displaying the sign so that it would appear on the County’s YouTube feed, stating that he did so to ensure “everyone” would know about the false allegations.
16. In his post, Porter further claimed that he intended to take the sign to “every single public event that (Barr) goes to”.
17. The Facebook post remains publicly visible as of the filing of this complaint.
18. The allegations contained in the sign, the caption, and Porter’s statements are unequivocally false and entirely baseless.
19. Defendant Porter in the past has displayed vulgar signs and made profane including Barr to Hitler.
20. Evelyn C. Barr passed away at the age of ninety-two on January 13, 2024. She was a devoted mother of eight children, and a devoted grandmother and great grandmother. She and her

husband were foster parents. She was actively involved in her church for over half a century. She had an outstanding reputation for being kind, generous, and philanthropic with her time and money.

21. Porter continued to display to the public on his property for a month following the initial display all through the holiday season and into the new year.

22. The calls were obviously a result of Porter's doxing him because the callers would repeat the same offensive remarks about Barr that Porter routinely broadcast in his social media posts.

Defendant's Facts Not in Dispute (See Exhibit A Affidavit)

23. Defendants first protested Barr and Washington County in June of 2024.

24. Defendant protested what he alleged abuse, neglect and refusal to give his son educational resources as a deaf child requires then subsequent delays in transfer to Maryland School for the Deaf while the child was placed with juvenile delinquents up to the age of eleven or twelve, while he was only four years old causing him multiple beatings.

25. Millions watched Porter's speeches at the Board of County Commissioner's meetings.

26. John Barr attempted to pass an ordinance banning curse words during citizen redress period.

27. John Barr attempted to pass an ordinance banning political messages on shits he found "Obscene" such as curse words displayed publicly cf. ***Cohen v. California*** 403 U.S. 15 (1971) and cf. ***Miller v. California*** 413 U.S. 15 (1973).

28. John Barr attempted to pass an ordinance requiring people speak politely and calmly to government during citizen redress period.

29. John Barr claimed the church pressured him to pass this ordinance.

30. John Barr demanded this ordinance eliminate calling out individual government officials for criticism.

31. All other commissioners opted to "shelve the ordinance' after witnessing Defendant's passionate speech in support of free speech.

32. John Barr threw Defendant out from public redress comments for passionately arguing that John Barr was "wiping his ass with our constitution and our bill of rights" on October 8th 2024.

33. Defendant got John Barr's number from a fellow voter.

34. The defendant did an internet search and verified the number was John Barr's on an online phone number service where anyone has access.

35. The video of the foregoing event was viewed by roughly 3,000,000 people.

36. I was never notified of a video privacy complaint with the social media companies regarding John Barr's number.

37. I never received a cease and desist regarding John Barr's number while that video was posted.

38. John Barr never mentioned this at subsequent meetings.

39. John Barr has a reputation in the community of silencing free speech.

40. Defendant copied the Campari ad from United States Supreme Court Case law, ***Hustler Magazine Inc. Vs. Falwell*** 485 U.S. 46 (1988) where the Supreme court held that parodies of public figures, including ones that cause emotional distress, were protected by the First and Fourteenth Amendments.

41. Justin Holder paid for this parody sign.

42. Justin Holder has not been joined in this case.

43. Justin Holder is similarly politically active to defendant Porter.

44. Justin Holder is not a world-famous parody artist or protester.

45. Justin Holder doesn't give frequent public speeches in front of John Barr.

46. John Barr did not sue for any other parody signs featuring him paid for by holder and displayed by Porter.

47. John Barr changed the camera angle to hide citizen signs during public comment.

48. John Barr refused to call on Porter to speak during a February meeting and claimed to be out of time, only calling people who liked him to speak.

49. John Barr then cut broadcast of public comments in March 2025.

50. Defendant then broadcasted citizen comments on social media bypassing the ban on broadcast using his phone.

51. John Barr then sued Shaun Porter on March 31st 2025 for $10,000,000.

52. John Barr's Attorney Jonathan Gross commented on this lawsuit in a front-page story on or about April 4th giving defendant legal advice to ask "Woody Harrelson" for legal advice to The Herald Mail. Woody Harrelson played Larry Flynt in a movie about this exact Campari ad. This proves he knew the case law keeping him from winning this lawsuit yet filed it anyway in bad faith.

53. This was the fourth time Defendant and Plaintiff were featured in The Herald Mail that week.

54. John Barr held off service.

55. The Defendant was notified of the suit by a court watcher.

56. John Barr announced new rules of decorum with a vote or an ordinance at a public meeting on April 8th.

57. The defendant sued the Washington County Board of County Commissioners hours after the release of new rules.

58. John Barr's attorney Jonathan Gross sent Defendant a letter by certified mail on April 10th.

59. This letter stated that no further legal action would be required if Defendant removed alleged "defamatory" posts and removed the sign.

60. Heather Vickers emailed John Barr on April 11th wishing him luck in stopping Shaun Porter's free speech, according to the email I viewed.

61. John Barr responded with gratitude and the very same number in controversy on an email I saw to Heather Vickers.

62. John Barr admitted he didn't know who the person was but asked her to call him according to an email I viewed sent to Heather Vickers.

63. It is my understanding from a conversation I had with Heather Vickers that Heather Vickers called Barr and was informed he was serving me a lawsuit that day and it should stop me.

64. This exact case "***Hustler Magazine Inc. v. Falwell***" 485 U.S. 46 (1988) is taught in every law school in the United States.

65. Defendant makes $0.00 from social media and uses it to further his political objective which is currently unseating John Barr.

66. Defendant believes this lawsuit was brought in bad faith.

67. Defendant believes this lawsuit was brought with an illegal purpose.

68. It appears to Defendant that John Barr has filed this suit to place defendant in public disrepute and cause harm to plaintiff's property and reputation if plaintiff does not voluntarily relinquish his right to constitutionally protected free speech.

69. It appears to Defendant that John Barr wants to silence the viewpoint of his sharpest critic.

70. Defendant believes attorneys were both taught the "Hustler Inc. v. Falwell" case law and knowingly filed a frivolous lawsuit.

71. Plaintiff Believes plaintiff has no damages

PLAINTIFF FACTS THAT CAN NEVER PROVE- CHALLENGE TO PLAINTIFF TO BRING FORTH ADMISSABLE EVIDENCE TO PORVE THESE ABSURD ALLEGATIONS REDNDERING THE COMPLAINT BASELESS AND IMPOSSIBLE TO PREVAIL IN.

Defendant cannot disprove a negative, and therefore Defendant Challenges John Barr to bring forth any admissible evidence that supports the allegations contained herein because Defendant knows Plaintiff cannot and will not.

72. On or about December 17, 2024 Defendant Porter Publicly Displayed a large sign measuring approximately 3 feet high and 6 feet wide. Containing false and DEFAMATORY statements about Plaintiff John Barr
73. Those past statements are not the subject of the lawsuit.
74. Porter's allegations that Barr and his mother engaged in criminal activity are what is at issue in this lawsuit. Those allegations are not opinions, they are false statements of fact that accuse Barr and his mother of committing an egregious felony, a sin, and an outrageous act of moral turpitude.
75. Any reasonable person would understand that allegations of the type made by Porter against Barr can lead to professional harm and social stigma.
76. The statements made by Porter constitute defamation per se, as they falsely allege that Barr and the late Evelyn C. Barr engaged in criminal conduct.

77. The Defamatory statements have proximately caused severe emotional distress to Barr and to all of the surviving children of Evelyn C. Barr, particularly as the defamatory statements were made just before Christmas and during the time when Barr and his siblings were still in mourning over the loss of their mother.
78. Porter's Defamatory statements devastated the Barr family's ability to enjoy the Christmas holiday season. The emotional distress caused by Porter's unspeakable and egregious conduct – gratuitously slandering the reputation, memory, and legacy of the family matriarch who had just passed less than a year prior – cast a dark shadow over what should have been a time of mourning, remembrance, consolation and celebration, leaving the family unable to escape the constant, intrusive thoughts of the damaging falsehoods. The family's grief was compounded by the public nature of the statements, preventing them from finding solace and peace during the already painful time of loss.
79. Porter lives in close proximity to several of Evelyn C. Barr; s children who were forced to pass the sign while it was on display, causing then severe emotional anguish during their time of mourning.
80. The sign was so widely publicized that wherever Barr went people would mention it to him, causing him emotional anguish, anxiety and humiliation.
81. To Barr, it felt as if the sign was posted on his back
82. The feelings of anguish interfered with Barr's public life, as he was unable to concentrate on his daily activities without thinking of the slander against him and his late mother who had just recently passed away.
83. Barr suffered additional anxiety because the defamation falsely accused him of a felony, and he feared that it could lead to an investigation. Barr holds several professional and civic positions whereby an allegation of such an egregious and public nature can trigger

investigation, and the mere existence of such an investigation, even if the allegations are completely fabricated, can cause severe professional harm.

84. It interfered with his ability to socialize because the topic of the sign was ever present and had become a source of anxiety, anger, embarrassment, anguish and humiliation.
85. The stress caused by these feelings adversely impacted on his health.
86. The defamation caused extreme anguish for Barr and his entire family for all of the foregoing reasons, but mostly because Evelyn C. Barr and her late husband Jack Barr stressed above all the importance of establishing a good reputation. As the Bible states. "a good name is better than good oil" Ecclesiastes 7:1.Jack and Evelyn Barr lived by that verse and worked their entire lives to establish a good name as a legacy and an inheritance to pass down to their children, grandchildren and their great grandchildren. The Defendant's outrageous and shocking conduct- presumably for nothing more than a few clicks on social media- continues a direct attack on the legacy of Jack and Evelyn Barr and their entire family. John Barr is compelled to bring this lawsuit to defend his family name that has been falsely maligned in the most egregious manner.
87. Defendant Porter's actions were intentional, malicious, and designed to inflict maximum reputational and emotional harm upon John Barr, Evelyn C. Barr, and Evelyn C. Barr's surviving children, grandchildren and great grandchildren.
88. Defendant Porter's continued publication of defamatory material constitutes ongoing and irreparable harm to John Barr, Evelyn C. Barr, and Evelyn C. Barr's surviving family.
89. Defendant Porter also publicly revealed Barr's personal cell phone number numerous times on social media around September and October of 2024.
90. Barr does not know how Porter obtained Barr's personal cellphone number.

91. The number that Porter publicized is not associated with Barr's professional or civic associations.
92. There are other numbers available in the public domain that are designated to contact Barr in his professional or official capacity.
93. There is nothing in the public domain that connects President Barr in his official capacity to his private cellphone number.
94. As a result of Porter's public doxing of Barr's personal number on social media, Barr began to receive a deluge of offensive and threatening phone calls from unknown numbers with area codes associated with states other than Maryland throughout the United States.
95. The calls were obviously a result of Porter's doxing him because the callers would repeat the same offensive remarks about Barr that Porter routinely broadcast in his social media posts.
96. The Calls became so disruptive that Barr could no longer use his phone for incoming calls and was forced to let calls go to voicemail.
97. Barr suffered emotional distress when he received these calls and when he listened to the voicemails as the remarks were extremely offensive, and even threatening.
98. One call from an unknown number with an area code associated with Atlanta Georgia left a message including physical threats against Barr. The threats were so serious that Barr made a police report, and the police opened an investigation.

NO GENUINE DISPUTE OF FACTS EXISTS

Legal Discussion

Liquor Ad Sign Concept Lacks Credulity- No person of ordinary intellect would believe that a high end expensive Italian Liquor would pay to advertise on a back country road in Washington county Maryland or pay a guy dressed like an elf to hold the sign at a barely viewed County meeting broadcasted on public access. Unlike the case ***Hustler Magazine,***

Inc. v. Falwell 485 U.S. 46 (1988), that occurred in a published magazine in a full-page ad wherein that magazine was sold for profit, the Plaintiff would have you believe a fat, middle-aged, dirt-poor redneck dressed like an elf is somehow an advertising executive or employee. That idea and concept in and of itself proves the frivolous nature of the SLAPP lawsuit. The court would have to believe the above statements were in fact "believable" to even begin to consider this complaint.

WIDESPREAD KNOWLEDGE OF THIS PARODY AD BY PUBLIC

This exact ad was featured in the movie People v Larry Flynt starring Woody Harrelson. It's based on ***Hustler Magazine, Inc. v. Falwell*** 485 U.S. 46 (1988) case law, and this movie has been watched repeatedly for twenty plus years. Everyone defendant spoke with recognized it from being alive when the famous landmark case was decided or from the above-mentioned movie. The court would have to believe this is extremely obscure case law that nobody in a person's friend's group would know, to tell them otherwise, simply to begin considering the matter.

Lack of Standing

Plaintiff lacks standing as a public figure to file a Defamation, False Light Invasion of Privacy, or an IIED claim based off a free speech Parody Sign. This has been true ever since the Landmark Case Law, ***Hustler Magazine, Inc. v. Falwell*** 485 U.S. 46 (1988) WHICH IS THE EXACT WORDING OF THE SIGN!!!!! Plaintiff' alleges damages for his children, grandchildren great grandchildren and his deceased mother. Plaintiff's complaint line "58" alleges damages suffered to his deceased mother who was deceased before the sign was ever made. Deceased have no standing to bring a defamation claim and Plaintiff can't

recover damages on behalf of a deceased person's loss of reputation. Defamation ends at death. Plaintiff can't seek damages on behalf of Plaintiff's not named as parties in this complaint such as his children. Plaintiff lacks standing as a public figure politician to file a defamation, false light or IIED claim against a citizen's political speech as it is even more protected than free speech regarding a public figure. A protest sign containing parody cannot be considered actual malice, again ***Hustler Magazine, Inc. v. Falwell*** 485 U.S. 46 (1988) The Supreme Court held in the above referenced case that parody of public figures is 100% protected by the First Amendment and can't be malice. There is no way to make the leap by saying the exact parody in that case law sign is now somehow able to be proven as "actual malice". The Plaintiff further lacks any semblance of good faith in bringing this suit under the holding of ***Snyder v. Phelps*** 562 U.S. 443 (2011), which in an 8-1 ruling the supreme court held that protesters causing Intentional Infliction of Emotional Distress from protesting dead soldiers at their funerals, was protected and not IIED. This case law DESTROYS ANY ATTEMPT TO CLAIM IIED AGAINST PROTESTERS OR FREE SPEECH RELATED ACTIONS. IIED as a cause of action against speech is dead.

Defamation Per se Can't Be Proven

John Barr was never actually accused of committing a crime, as the sign was a copy of the exact parody advertisement ***Hustler Magazine, Inc. v. Falwell*** 485 U.S. 46 (1988). No reasonable person would believe John Barr committed or would commit incest with his mother. No reasonable person watching the broadcast on John Barr's own camera system for the county showed the sign held by a guy dressed up like a Christmas elf, not a news broadcaster. No reasonable person would believe that the obvious prank sign was a news article. NOBODY.

Plaintiff's False Claim of Fear of Being Charged with Incest in Maryland

As contained in the four corners of this document, as well as the complaint, the sign reads John Barr was in an outhouse in LYNCHBURG VIRGINIA. The plaintiff's assertion that he was worried about an alleged act

that happened fifty+ years ago in another state lacks credulity due to the statute of limitations in Virginia having expired more than 40 years prior if anyone could have reasonably thought it was true and launched an investigation. The plaintiff pleads that his mother had passed when the sign was first created. The Plaintiff's own pleading proves there would be no witness besides himself. The alleged event took place in a fictional outhouse. A reasonable person would have knowledge two people could barely, if at all, fit in an outhouse during that day and age when the alleged fictional encounter occurred and therefore there couldn't have been a third person in there as a witness for the act. It makes no sense. NO INVESTIGATION WAS EVER CONDUCTED!

Failure To State A Claim For Which Relief Can Be Granted

Defendant not entitled to sue for Defamation for same reasons as above stated, Plaintiff's facts don't state a claim for which relief could be granted for a public figure. Plaintiff's fact seem to be seems for damages on behalf of his deceased mother and his relatives, rather than himself. John Barr can't sue on recover on behalf of other Plaintiffs. All claims stated by Plaintiff fail under the simple fact that the Plaintiff is a public figure and isn't entitled to any relief under Maryland Law and Supreme Court case law as referenced above, ***Hustler Magazine, Inc. v. Falwell*** 485 U.S. 46 (1988). Public figures can't be defamed by a parody sign as explained accurately in this response by Defendant. **Intentional Infliction of Emotional Distress** is claimed as a result of the defamation that the above cited case clearly articulates couldn't have happened from a parody sign. **Defamation per se** likewise cannot be proven given the obviousness of the above cited case law again explaining parody featuring public figures, let alone politicians is FIRST AMENDMENT PROTECTED. **Invasion of Privacy (False Light)** similarly cannot be proven incorporating all prior defenses cited above and herein incorporated. Nobody believes he slept with his mom in an outhouse in a city he never visited while drunk on fine Italian liquor while in an out house especially given his reputation as a non-drinking religious man which is what makes this so funny exactly like with the Falwell case cited above. It's a joke.

No malice. Just ridicule. John Barr knows better than to file this, but this is his only way to attack Defendant, which is what this is, an attack. This Plaintiff is lying to the court to get revenge and silence free speech he doesn't like. The plaintiff was given an opportunity by sign owner Justin Holder (not named in suit!) to pick up the sign on April 10,2025 after the suit was announced in the newspaper. John Barr declined to pick it up. Relief cannot be granted to a Politician for being protested by a citizen. That's all this is. LAWFARE.

Plaintiff Demonstrates No Legally Recoverable Damages Under Maryland Law

No case law exists for how, if Plaintiff did have standing, he could recover damages on behalf of people other than himself, or for what value we could attach to a "Ruined Christmas". The plaintiff alleges no ability to answer incoming calls for a month. Plaintiff could make outgoing calls. There is no way the court could put a dollar amount on loss of a month of only making outbound calls, nor would the court want to make the attempt. For all the talk there was no mention of an emergency room visit, a doctor bill, a psychiatrist's therapy session, or a stent in a mental facility to justify a $10,000,000 + ask on damages to begin with even if IIED was lawful to pursue in a FREE SPEECH CASE. The plaintiff failed to articulate damages, and the court can't even make an inference as to what damages there may be, based on the facts contained in the four corners of Plaintiff Ludacris pleadings. We are literally talking about a yard sign for $10,000,000 in COMPENSATORY DAMAGES. Plaintiff can't ask for damages on behalf of other Plaintiff's not named in this complaint.

Deficient Filing By Plaintiff

The plaintiff knew he didn't name the financier of this free speech yard sign, and neglected to join all parties responsible, which makes this filing deficient on its face. Plaintiff's facts are not facts but rather conclusory statements. Plaintiff's facts are mostly conjecture and speculation. The plaintiff is attempting to go to trial on opinions and hurt feelings rather than facts and case law. The plaintiff fails to demonstrate any damages for which ANY amount of money can be awarded and injunctions against free political speech would be illegal so those requests can't be granted..

Res Judicata

Plaintiff is asking the Circuit Court to re-litigate established 40-year-old U.S. Supreme Court Case Law, ***Hustler Magazine Inc. v. Falwell*** 485 U.S. 46 (1988), which is what this parody sign in controversy is based off, word for word, just instead of a preacher being mocked, it's a politician I am protesting within Defendant's First Amendment Rights. This matter has already been made to the highest court in the land and the subject matter deemed First Amendment Protected, therefore this case must be dismissed.

Failure To Demonstrate Actual Malice – Defendant Acted Without Constitutional Malice

A man making a Parody sign mocking his highest level local elected politician could never rise to the legal standard of actual malice and could never determine to be Actual Malice. It's 100% protected free political speech. A person engaging in a constitutionally protected activity protesting their elected official could never rise to the level of actual malice. Defendant may be a prick, but that's not the legal standard to even begin to look at defamation of a public figure under Maryland law let alone a politician.

Extortion

Plaintiff engaged in "At Common Law Extortion" in the most traditional well-established meaning. Plaintiff utilized two attorneys, both of which knew this landmark case law (Hustler ***Magazine Inc. v. Falwell*** 485 U.S. 46 (1988)) precluded them from prevailing in this case yet did so anyhow, with an illegal purpose of extorting Defendant of his first Amendment Civil Rights/ and or ten million dollars. The threshold for this act to be a felony is $500. Defendant believes this meets the definition of Felony Extortion.

Plaintiff Committed Mail and Wire Fraud

The above Explained Extortion was perfected through the U.S. mail and by wire. The case was electronically docketed. Defendant believes this meets the criteria for Mail and Wire Fraud.

Plaintiff's Complaint Should Be Dismissed as an Inappropriate SLAPP Suit

The instant lawsuit violates Maryland's Anti-SLAPP statute and is, in fact, an archetypical SLAPP suit. **Defendant hereby assert protection under Maryland's Anti-SLAPP statute. Defendant is immune from civil liability under Maryland's Anti-SLAPP statute.** Maryland's General Assembly enacted anti-SLAPP legislation "to weed out and deter lawsuits brought for the improper purpose of harassing individuals who are exercising their protected right to freedom of speech." CB Woodberry Dev., LLC v. Council of Owners of Millrace Condo., Inc., 253 Md.App. 279, 296, 265 A.3d 1140, 1150 (2021). The quintessential SLAPP suit is "directed at individual citizens of modest means for speaking publicly against development projects." MCB Woodberry Dev., LLC v. Council of Owners of Millrace Condo., Inc., 253 Md. App. 279, 296, 265 A.3d 1140, 1150 (2021). Litigation violates Maryland's Anti-SLAPP statute meets four criteria, i.e. the lawsuit was (1) brought in bad faith: (2) against a party who has made protected communications to a government body or the public on a matter within the authority of government body or on an issue of public concern, and (3) materially related to the protected communications, and (4) intended to inhibit or to have inhibited the making of those protected communications. Id. "If all four criteria are satisfied, then the defendant is entitled to civil immunity if he or she acted 'without constitutional malice' when making the protected communications." Id., at 297, 265 A.3d at 1151. Mr. Barr's case satisfies all of these criteria. All four elements of SLAPP are present.

To be a SLAPP suit, a lawsuit must be aimed at a person or entity "who has communicated with a . . . government body or the public" in the exercise of rights afforded by the First Amendment or Article 10, Article 13, or Article 40, of the Maryland Declaration of Rights "regarding any matter within the authority of a government body or any issue of public concern [.]" Md. Ann. Code, Cts. & Jud. Proc. § 5-807(b)(1). "The statute focuses upon the substance of communications and the identity of the recipients of those communications." MCB Woodberry Developer, LLC, 265 A.3d at, 1153. Communications about matters

that are neither within the authority of a government body nor on an issue of public concern are not protected by communications under the Anti-SLAPP statute. Id. “Whether a communication is "on a matter of public concern is a question of law for the court, to be determined ‘by the content, form, and context of a given statement.’" McIntyre v. Guild, Inc., 105 Md. App. 332, 350, 659 A.2d 398 (1995)

Plaintiff’s Prosecution of this Case Is in Bad Faith

It is Defendant’s understanding, after having a conversation with Heather Vickers that on April 11, 2025, that Heather Vickers called Barr and was informed he was serving me a lawsuit that day and it should stop me. (Bad faith and illegal purpose) The plaintiff filed suit and served a defendant before. The plaintiff filed suit and served a defendant before trying to settle this matter in good

faith. Plaintiff intentionally stated Defendant had five business days from the date he mailed it on Thursday April 10th knowing full well it would take two days on average to be delivered placing the letter at my residence on or about the fourth day of the “grace period” That shows this court must hold that this is indeed a bad faith lawsuit. The whole purpose can reasonably be determined to be intimidation and not a legitimate cause of action. Defendant incorporates all preceding statements and facts into his demonstration of bad faith. This lawsuit constitutes extortion as previously explained. This lawsuit was filed for an illegal purpose of silencing the most vocal political opponent of Commissioner John Barr, Defendant Shaun Porter. The bad faith in filing a lawsuit knowing that supreme court case law ***Hustler Magazine Inc. v. Falwell*** 485 U.S. 46 (1988) would prevent this case from being successful. Plaintiff’s attorney taunted Defendant on the front page of the Herald Mail illegally providing defendant with legal advice to ask Woody Harrelson, the star in the movie based on this U.S. supreme court case law PROVING THEY KNEW THEY CASE LAW BY THEIR OWN ADMISSION. Besides bad faith it’s conflict for opposing counsel to give legal advice to an unrepresented man he is suing, no legitimate attorney on a $10,000,000 case would jeopardize it by commenting, let alone insulting the defendant while conflicting himself and violating the rules of professional

conduct. Plaintiff's attorneys telegraphed bad faith by indicating damages in excess of $10,000,000 rather than writing in excess of $75,000 to meet the threshold of a Jury Trial like a legitimate lawyer would have indicated. This was all a part of the intimidation culminating with the letter on April 10th which was received on or about April 14th (3 days after being served) being sent by AFP Jonathan Gros offering to take no further legal action if I relinquished MY RIGHTS TO LAWFUL FIRST AMENDMENT PROTECTED FREE SPEECH DIRECTED AT PLAINTIFF. The most telling sign of bad faith is that Plaintiff's attorney mailed Defendant a letter stating that "no further action would be taken if Defendant simply took down a few Facebook posts and a yard sign". This is extortion as well as mail and wire fraud when combined with the e-filed complaint. This is proof that the $10,000,000 lawsuit is bogus, Plaintiff's attorney knows it's bogus and if it weren't bogus he wouldn't eliminate $10,000,000 in damages in exchange for what was stipulated. There is no Bonafide claim. Defendant only knows Plaintiff from protesting him and his colleagues. Plaintiff intentionally omitted the fact he is a public figure, politician, suing a constituent over a political sign. Political speech is the most protected free speech in existence. Here, Plaintiff is clearly prosecuting his claims in bad faith. The Court of Appeals has construed the term "bad faith" consistent with the term's usage in Rule 1-341 cases. Those cases define "bad faith" to mean the pursuit of litigation "vexatiously, for the purpose of harassment or unreasonable delay, or for other improper reasons. This definition is consistent with frequent dictionary definitions of 'bad faith,' which emphasize dishonest motivation. MCB Woodberry Dev., LLC v. Council of Owners of Millrace Condo., Inc., 253 Md. App. 279, 307, 265 A.3d 1140, 1156 (2021)

WHEREFORE, Defendant should be granted immunity from civil liability under Maryland Anti-SLAPP Statute. This is clearly a SLAPP suit to inhibit Defendant's criticism and viewpoint as demonstrated by Plaintiff asking the court to enjoin future free speech signs and videos which would constitute prior restraint. This fact and all others above incorporated, proves the litigation is meant to Inhibit exercising of Defendant's First Amendment Civil Rights. **This case arises from Defendant's participation in public meetings** before Plaintiff's governing body. **The sign is materially related** to these appearances as it has a

picture and is a fictional story about the Plaintiff who runs that governing body. **This case arises out of Defendant exercising his right to protest**, redress grievances, and to mock with parody his government and it's officials, specifically the Plaintiff. **Defendant acted without Constitutional malice** as explained above and incorporated herein. There is no possible amendment that could cure these fatal defects as this complaint is barred by Federal and State Law as well as The Constitution. In the alternative if the court doesn't find Anti-SLAPP Statute applies, this case should be dismissed for failure to state a claim for which relief can be granted, lack of standing, failure to settle the case BEFORE DEFENDANT WAS SUED/SERVED. Pursuant to Rules 2-322 and 2-501 and Md. Ann. Code, Cts. & Jud. Proc. § 5-807 this case should be dismissed with prejudice. The defendant moves this court to dismiss with prejudice for the above-mentioned reasons and pursuant to the above-mentioned rules.

REQUEST FOR HEARING

The defendant requests a hearing on this motion. Pursuant to Md. Ann. Code, Cts. & Jud. Proc. § 5-807(d)(1), Defendant is entitled to an expedited hearing "as soon as practicable".

Respectfully submitted,

/s/ Shaun P. Porter 5/9/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing**, DEFENDANT SHAUN PORTER'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, VIOLATION OF MARYLAND'S ANTI-SLAPP STATUTE AND/OR FOR SUMMARY JUDGEMENT, Proposed Order, Exhibit A** to the Defendant VIA MDEC electronic service as well as to both attorneys of record at sarahspitalnickesq@gmail.com, and jonathangross@gmail.com .

/s/ Shaun P. Porter 5?9?25

E-FILED; Washington Circuit Court
Docket: 5/9/2025 7:27 PM; Submission: 5/9/2025 7:27 PM
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IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr,

Plaintiff

V. CASE NO.: C-21-CV-25-000-161

Shaun Porter,

Defendant

****

AFFADAVIT OF FACTS BY DEFENDANT PORTER

I, Shaun Porter, (herein sometimes referred to as (Defendant) or (Mr. Porter) or (Shaun)) am over the age of 18 and I am competent to testify about the acts set forth herein.

1. Defendants first protested Barr and Washington County in June of 2024.
2. Defendant first protested what he alleged was the abuse, neglect and refusal to give his son educational resources as a deaf child requires and subsequent delay in transfer to Maryland School for the Deaf while the child was placed with juvenile delinquents up to the age of eleven or twelve, while he was only four years old causing him multiple beatings.
3. Millions watched Defendant"s speeches at the Board of County Commissioner's meetings.
4. John Barr attempted to pass an ordinance banning curse words during citizen redress period.

5. John Barr attempted to pass an ordinance banning political messages on shits he found "Obscene" such as curse words displayed publicly ***Cohen v. California*** 403 U.S. 15 (1971) and ***Miller v. California*** 413 U.S. 15 (1973).
6. John Barr attempted to pass an ordinance requiring people speak politely and calmly to government during citizen redress period.
7. John Barr claimed the church pressured him to pass this ordinance.
8. John Barr demanded this ordinance eliminate calling out individual government officials for criticism.
9. All other commissioners opted to "shelve the ordinance' after witnessing my passionate speech in support of free speech.
10. John Barr threw Defendant out from public redress comments for passionately arguing that John Barr was "wiping his ass with The Constitution and our bill of rights" on October 8th 2024.
11. Defendant got John Barr's number from a fellow voter.
12. The defendant did an internet search and verified the number was John Barr's on an online phone number service where anyone has access.
13. The video of the foregoing event was viewed by roughly 3,000,000 people.
14. I was never notified of a video privacy complaint with the social media companies regarding John Barr's number.
15. I never received a cease and desist regarding John Barr's number while that video was posted.
16. John Barr never mentioned his phone number when I saw him at subsequent meetings, leading me to believe it's ok to post his number, which I believed was because his number is used for public business.

17. John Barr has a reputation in the community of silencing free speech.

18. Defendant copied the Campari ad from United States Supreme Court Case law, ***Hustler Magazine Inc. Vs. Falwell*** 485 U.S. 46 (1988) where the Supreme court held that parodies of public figures, including ones that cause emotional distress, were protected by the First and Fourteenth Amendments.

19. Justin Holder paid for this parody sign.

20. Justin Holder has not been joined in this case.

21. Justin Holder is similarly politically active to defendant Porter.

22. Justin Holder is not a world-famous parody artist or protester.

23. Justin Holder doesn't give frequent public speeches in front of John Barr.

24. John Barr did not sue for any other parody signs featuring him paid for by holder and displayed by Porter.

25. John Barr changed the camera angle to hide citizen signs during public comment.

26. John Barr refused to call on Porter to speak during a February meeting and claimed to be out of time, only calling people who liked him to speak.

27. John Barr then cut broadcast of public comments in March 2025.

28. Defendant then broadcasted citizen comments on social media bypassing the ban on broadcast using his phone.

29. John Barr then sued Shaun Porter on March 31st 2025 for $10,000,000.

30. John Barr's Attorney Jonathan Gross commented on this lawsuit in a front-page story on or about April 4th giving defendant legal advice to ask "Woody Harrelson" for legal advice to The Herald Mail. Woody Harrelson played, Larry Flynt in a movie about this exact

Campari ad. This proves he knew the case law keeping him from winning this lawsuit yet filed it anyway in bad faith.

31. This was the fourth time Defendant and Plaintiff were featured in The Herald Mail that week.

32. John Barr held off service.

33. The Defendant was notified of the suit by a court watcher.

34. John Barr announced new rules of decorum with a vote or an ordinance at a public meeting on April 8th.

35. The defendant sued the Washington County Board of County Commissioners hours after the release of new rules.

36. John Barr's attorney Jonathan Gross sent Defendant a letter by certified mail on April 10th.

37. This letter stated that no further legal action would be required if Defendant removed alleged "defamatory" posts and removed the sign..

38. Heather Vickers emailed John Barr on April 11th wishing him luck in stopping Shaun Porter's free speech according to the email I viewed.

39. John Barr responded with gratitude and provided the very same number in controversy on an email I saw to Heather Vickers.

40. John Barr admitted he didn't know who the person was but asked her to call him according to the email I viewed sent to Heather Vickers.

41. It is my understanding, after having a conversation with Heather Vickers that on April 11, 2025, that Heather Vickers called Barr and was informed he was serving me a lawsuit that day and it should stop me.

42. John Barr never said a word about any of the multiple giant oversized parody signs about him even when sitting next to Defendant for three hours 3/26/25.

43. This exact case "***Hustler Magazine Inc. v. Falwell***" 485 U.S. 46 (1988) is taught in every law school in the United States from my conversations with 6 attorneys.

44. Defendant makes $0.00 from social media and uses it to further his political objective which is currently unseating John Barr.

45. Defendant believes the purpose of this lawsuit is to silence the Defendant's free speech at public meetings and online regarding politician John Barr.

46. Defendant believes this lawsuit was brought in bad faith.

47. Defendant believes this lawsuit was brought with an illegal purpose.

48. Defendant believes the plaintiff has no damages.

49. Defendant Believes the plaintiff hired a private investigator to follow Defendant to attempt to ascertain who my fellow protesters were using county funds.

50. It appears to Plaintiff that John Barr has filed this suit to place defendant in public disrepute and cause harm to plaintiff's property and reputation if plaintiff does not voluntarily relinquish his right to constitutionally protected free speech.

51. It appears to Defendant that John Barr wants to silence the viewpoint of his sharpest critic.

VERIFICATION

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the factual statements numbered 1 through __ under the heading of "**AFFIDAVIT OF UNDISPUTED FACTS**" herein are true.

_____ _____5/9/25_____

Shaun Patrick Porter Date

E-FILED; Washington Circuit Court
Docket: 5/13/2025 2:52 PM; Submission: 5/13/2025 2:52 PM
Envelope: 21182365

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

BARR Plaintiff, v. PORTER Defendant.	))))))	Case No.: C-21-CV-25-000161

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS, VIOLATION OF MARYLAND'S SLAPP ACT, AND/OR FOR SUMMARY JUDGMENT

Plaintiff John Barr, through counsel, respectfully submits this Opposition to Defendant Shaun Porter's Motion to Dismiss, Violation of Maryland's SLAPP Act, and/or for Summary Judgment ("Motion") and states as follows.

I. INTRODUCTION

Plaintiff John Barr's Complaint alleges that Defendant Shaun Porter publicly displayed a large sign (the "Sign") and posted on social media (the "Facebook Post") false and defamatory statements accusing Plaintiff, a public official, of engaging in incest with his late mother, Evelyn C. Barr, and disclosed Plaintiff's private cellphone number, causing severe emotional distress, reputational harm, and harassment. The defamation related claims target only the incest allegation, which Defendant knew to be false and is unrelated to government business (Compl. ¶¶ 6-19, 57).

Defendant, a self-described non-lawyer with a 9th-grade education, misunderstands the legal standard for a motion to dismiss and erroneously believes public figures cannot sue for defamation. He relies exclusively on *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988) (Motion at 5, 11-16, 18), a case from forty years ago, when a pornographic magazine defendant was found liable by a jury for intentional infliction of emotional distress (IIED) for falsely alleging that a public figure, Jerry Falwell, committed incest with his mother, but evaded liability because the jury found, as a factual matter, that the statements, though outrageous, were not defamatory.

Porter believes he discovered in *Hustler* a magical legal loophole that makes him impervious to liability for knowingly disseminating false and misleading defamatory statements; namely, Porter believes that if a jury finds as a factual matter that certain statements are non-defamatory, then those same statements are forever deemed non-defamatory, regardless of the parties, context, or circumstances. Porter's argument is as absurd as arguing that O.J. Simpson's 1995 murder acquittal legalized knife-murder forever after. What Porter fails to understand is that the claims for defamation and IIED in the *Hustler* case *survived dismissal and summary judgment and were allowed to proceed to trial by jury*. The jury verdict in *Hustler* is completely irrelevant to this case as the parties, context, and circumstances are completely different and separated by more than four decades. To the extent that the *Hustler* case is relevant at all, it only supports denying Porter's Motion and allowing the case to proceed to discovery and trial by jury.

The Complaint, taken as true, states plausible claims for defamation, IIED, and invasion of privacy, meeting all elements of public-figure defamation under Maryland law. To the extent Defendant invokes Maryland's anti-SLAPP statute, Md. Code Ann., Cts. & Jud. Proc. § 5-807, his defamatory incest allegation is not a communication that falls within the narrow protection of Maryland's anti-SLAPP statute because the false allegation of incest is not "regarding any matter within the authority of a government body" or a "matter of public concern." *Id.* Defendant's admission of the falsity of the statements (Motion at 3) and of comparing Barr to Hitler (Compl. ¶ 24; Motion at 3) supports actual malice. Moreover, the Complaint is not a bad-faith lawsuit, as it seeks legitimate redress, not vexatious harassment.

Defendant's Motion to Dismiss, accompanied by an affidavit (Affidavit of Facts by Defendant Porter ("Aff.")), improperly introduces factual disputes irrelevant at this stage, as the Court must accept the Complaint's allegations as true. Maryland Rule 2-322(b). The factual

disputes introduced by Porter are irrelevant to a motion to dismiss and preclude summary judgment. Accordingly, the Court should deny the Motion and allow this case to proceed to discovery and trial by jury.

II. LEGAL STANDARD

A. Motion to Dismiss

A motion to dismiss under Maryland Rule 2-322(b) tests the complaint's legal sufficiency. The Court must assume the truth of all well-pleaded allegations and draw reasonable inferences in the plaintiff's favor. *Bobiles v. Bd. of Educ*., 403 Md. 1, 8 (2008). Extrinsic evidence, like Defendant's affidavit, is improper unless converted to summary judgment, requiring notice and discovery. Md. Rule 2-322(c); *D'Aoust v. Diamond*, 424 Md. 549, 572 (2012). Dismissal is warranted only if the complaint fails to state a claim. *RRC Ne., LLC v. BAA Md., Inc.*, 413 Md. 638, 643 (2010).

B. Summary Judgment

A motion for summary judgment under Maryland Rule 2-501 is granted only when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. *Piscatelli v. Van Smith*, 424 Md. 294, 305 (2012). The court views the evidence, including all reasonable inferences, in the light most favorable to the non-moving party. *Id.* Summary judgment is inappropriate if any material fact is in dispute, as the court's role is not to resolve factual conflicts but to determine if they exist. *Gross v. Sussex, Inc*., 332 Md. 247, 256 (1993). The moving party bears the burden of showing no genuine dispute, and mere conclusory assertions or denials are insufficient. *Rite Aid Corp. v. Hagley*, 374 Md. 665, 684 (2003).

When a motion to dismiss under Maryland Rule 2-322(b) includes extrinsic evidence, the court may treat it as a motion for summary judgment, but only if certain conditions are met.

Conversion to a motion for summary judgment is inappropriate when the non-moving party has not had a reasonable opportunity to conduct discovery or present countervailing evidence, particularly early in litigation. *Heger v. St. Agnes Hosp.*, 73 Md. App. 433, 439 (1987). Summary judgment is "not a substitute for a trial" and should not be granted when discovery is necessary to resolve factual disputes. *Id.* at 440.

C. Anti-SLAPP

Under Maryland's anti-SLAPP statute, Md. Code Ann., Cts. & Jud. Proc. § 5-807, a lawsuit may be dismissed at the motion to dismiss stage if it qualifies as a Strategic Lawsuit Against Public Participation (SLAPP) brought in bad faith to inhibit protected speech. Section 5-807(b) defines a SLAPP suit as one that: (1) is brought in bad faith; (2) targets a party who communicated with a government body or the public on a matter within the authority of a government body or an issue of public concern; (3) is materially related to those protected communications; and (4) is intended to inhibit or has inhibited the exercise of First Amendment or Maryland Declaration of Rights (Articles 10, 13, or 40). *MCB Woodberry Developer, LLC v. Council of Owners*, 253 Md. App. 279, 296-97 (2022). If these criteria are met, the defendant is immune from civil liability if the communications were made "without constitutional malice," defined as knowledge of falsity or reckless disregard for truth. *Id.* at 312. The court must hear an anti-SLAPP motion "as soon as practicable" and may dismiss the suit if the statutory elements are satisfied. *Id.* at 298 (citing CJP § 5-807(d)). Bad faith, meaning litigation pursued "vexatiously, for the purpose of harassment or unreasonable delay, or for other improper reasons," can, in some cases, be determined as a matter of law at the dismissal stage based on pleadings and judicially noticeable evidence. *Id.* at 307 (citing *Inlet Assocs. v. Harrison Inn Inlet, Inc.*, 324 Md. 254, 268 (1991)). When a party submits additional materials beyond the pleadings, the party transforms the motion to dismiss under the

anti-SLAPP statute into one for summary judgment and thereby precluding the granting of a motion to dismiss in a defamatory action. *Id.* at 311 (citing *Russell v. Knowne,* 2010 WL 2765268 (D. Md. 12, July 2010).

III. ARGUMENT

A. Summary of Defendant's Arguments

Defendant's brief is disorganized, repetitive, and difficult to decipher, scattering arguments across 20 pages without clear structure. He appears to make the following arguments: (1) the Complaint fails to state a claim because the defamatory statements, though admittedly false, are a parody protected by *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), precluding liability (Mot. at 11-14); (2) the Complaint violates Maryland's anti-SLAPP statute, as it is a bad-faith lawsuit to chill his protected political speech on public issues (Mot. at 1, 17-19); (3) no genuine dispute of material fact exists, warranting summary judgment (Mot. at 11); (4) Plaintiff lacks standing (Mot. at 12-13); (5) Plaintiff demonstrates no recoverable damages (Mot. at 15); (6) the filing is deficient for not joining Justin Holder (Mot. at 15); (7) res judicata bars the Complaint, as *Hustler* settled the issue (Mot. at 16); (8) Plaintiff's attorneys committed extortion, mail fraud, and wire fraud by filing a frivolous lawsuit and offering to drop it if Defendant removed posts (Mot. at 16, 18-19). These arguments, jumbled and legally misguided, fail to justify dismissal or summary judgment.

B. *Hustler* Supports Denial of the Motion

Porter erroneously believes that the Supreme Court in *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), immunizes him from defamation liability because, after the fact, without evidence, and without an opportunity for discovery, Porter claims that his defamatory statements were made as parody (Motion at 13). Porter, having learned of *Hustler*, believes he found a legal loophole to defame Barr and his mother because a pornographic magazine evaded liability on a

technicality for similar statements against a different public figure in a different context over 40 years ago. This is as nonsensical as arguing O.J. Simpson's 1995 acquittal legalized knife-murders. The irony is that the *Hustler* case presented a dispute of material facts and was tried by a jury, directly contradicting Defendant's argument for dismissal or summary judgment.

In *Hustler,* the question of whether the defamatory statements were parody was a fact question decided by a jury. The Supreme Court in its decision did not overturn the trial court's decision to allow the question to go before the jury. *Hustler* merely stands for the proposition that the standard for IIED is the same as the standard for defamation. In other words, for Barr to succeed on his IIED claim, he must also convince the jury to find for him with respect to his defamation related claims. *Hustler* does not prevent a well-pleaded Complaint containing claims of defamation, IIED, and invasion of privacy from proceeding to discovery and trial by jury. On the contrary, *Hustler* shows that the case is appropriate for discovery and trial by jury.

It is beyond dispute that Barr's allegations meet all of the elements of public-figure defamation. A defamatory statement is one which tends to expose a person to public scorn, hatred, contempt or ridicule, thereby discouraging others in the community from having a good opinion of, or from associating or dealing with, that person. *Bowie v. Evening News,* 148 Md. 569, 574 (1925). In Maryland, defamation requires: (1) a false and defamatory statement; (2) unprivileged publication to a third party; (3) fault, which includes actual malice for public figures; and (4) harm. *Piscatelli*, 424 Md. at 306. It is well-established that public figures can sue for defamation if they can prove actual malice, *i.e.,* knowledge of falsity or reckless disregard. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964)*; Batson v. Shiflett*, 325 Md. 684, 722 (1992). Malice may be inferred from hostility or fabrication. *Capital-Gazette Newspapers, Inc. v. Stack*, 293 Md. 528, 539 (1982). False statements imputing criminal conduct, like incest, are defamation *per se,* and

harm is presumed. *Shapiro v. Massengill*, 105 Md. App. 743, 772 (1995); *Carter v. Aramark Sports & Ent. Servs., Inc.*, 153 Md. App. 210, 238 (2003) ("[T]he allegation that a person is a thief constitutes defamation *per se.*").

Porter knowingly published statements that expressly or strongly imply that Barr committed incest with his mother. Such statements are capable of defamatory meaning, *i.e.* imparting a meaning from which third persons could infer that Barr committed the crime of incest. *Batson,* 325 Md. at 724. These statements manifest a tendency to seriously injure Barr's reputation, exposing him to public scorn, hatred, contempt or ridicule. *Id.*

Porter does not dispute that he published the statements to third parties, and he makes no argument and cites no authority (e.g., legislative or judicial immunity) that his statements are privileged. Porter admits that he knowingly posted false statements about Barr–the very definition of "constitutional" or "actual" malice–and he even admits that he compared Barr in other publications to Hitler, which is additional evidence of malice. *Shapiro,* 105 Md. App. at 772. Barr alleged emotional anguish which satisfies the harm element, though the defamation alleges that Barr committed the crime of incest, which is defamation *per se,* and therefore harm is presumed. *Id.* Accordingly, all of the elements of public-figure defamation are properly pled.

Porter insists that he immunized himself from liability by mimicking the defamatory statements in *Hustler,* and believes his statements are *per se* non-defamatory parody *as a matter of law*. This fundamental misunderstanding of the law is belied by countless jury trials where a parody defense was raised–including *Hustler.* The Fourth Circuit in the underlying case expressly held that it was within the province of the jury–not the court–to decide whether the defamatory statements were parody. *Falwell v. Flynt*, 797 F.2d 1270, 1277-78 (4th Cir. 1986), *rev'd on other grounds, Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988) ("[I]t was necessary for the jury

to see the parody in context in order to decide these issues.") *See also*, *cf.*, *Douglass v. Hustler Magazine, Inc.,* 769 F.2d 1128, 1139-41 (7th Cir.1985) (finding "no basis for ordering the complaint dismissed" because a reasonable jury could have found malice, and remanding for a new trial on other grounds); *Milkovich v. Lorain Journal Co*., 497 U.S. 1, 18-19 (1990) (newspaper article implying wrestling coach perjured himself was factual, requiring jury evaluation, as it appeared in a news context without satire cues).

Moreover, this case is clearly distinguishable from *Hustler* because unlike Hustler Magazine, Porter failed to include a disclaimer or any indication that his defamatory statements were meant as parody. Porter published a sign containing what purports to be a conversation between Barr and an unnamed "reporter" where Barr confessed to "sleeping" with his mother.

> COMMISSIONER JOHN BARR TALKS ABOUT HIS FIRST TIME…
>
> BARR: My first time was with my Mom in an outhouse in Lynchburg, Virginia.
>
> REPORTER: Isn't that a little odd sleeping with your mother?
>
> BARR: Well, everyone else in town already had, and I was Jeff Cline wasted on Campari!!!

Porter further wrote in bold letters in a Facebook post:

"WASHINGTON COUNTY COMMISSIONER JOHN BARR SLEEPS WITH HIS MOM!!!!"

Neither the Sign nor the Facebook Post gives any clue or indication that the conversation with the reporter or the allegation of incest are meant as fiction or parody. Porter's statements and the context around those statements are materially different from the statements and the context of the ad at issue in *Hustler.*

> The inside front cover of the November 1983 issue of Hustler Magazine featured a "parody" of an advertisement for Campari Liqueur that contained the name and

> picture of respondent and was entitled "Jerry Falwell talks about his first time." This parody was modeled after actual Campari ads that included interviews with various celebrities about their "first times." Although it was apparent by the end of each interview that this meant the first time they sampled Campari, the ads clearly played on the sexual double entendre of the general subject of "first times." Copying the form and layout of these Campari ads, Hustler's editors chose respondent as the featured celebrity and drafted an alleged "interview" with him in which he states that his "first time" was during a drunken incestuous rendezvous with his mother in an outhouse. The Hustler parody portrays respondent and his mother as drunk and immoral, and suggests that respondent is a hypocrite who preaches only when he is drunk. *In small print at the bottom of the page, the ad contains the disclaimer, "ad parody—not to be taken seriously." The magazine's table of contents also lists the ad as "Fiction; Ad and Personality Parody."*

Hustler Mag., Inc. v. Falwell, 485 U.S. 46, 48 (1988) (emphasis added).

Unlike here, the statements in *Hustler* were made in the historical context of an ad that was popular at the time over 40 years ago but that is not popular today, which would have made it more likely to be recognized as parody by the contemporary reader at the time. More significantly, the *Hustler* statements contained multiple disclaimers stating expressly that the ad was "fiction" and "parody—not to be taken seriously." Despite these glaring and significant distinctions from the instant case, the *Hustler* court still allowed the case to proceed to discovery, and Larry Flynt's deposition was taken. *Falwell*, 797 F.2d at 1273. The case ultimately proceeded to trial and the defamation and IIED claims were decided by a jury. *Id.*

Porter argues that there is "widespread knowledge of this parody ad by [the] public." He argues that the "exact ad was featured in the movie People v. Larry Flynt starring Woody Harrelson … and this movie has been watched repeatedly for twenty plus years." He adds anecdotally that "everyone defendant spoke with recognized it." Whether there is widespread knowledge of the *Hustler* case, whether a reasonable person is expected to have viewed and remembered an obscure movie from the 1990s, and whether a reasonable person would recall the *Hustler* ad when viewing the sign about Barr and recognize the statements as parody are all questions of fact to be left to the

jury, just as they were in *Hustler*. Porter's argument undermines his motion; he argues that he can prove his case with additional evidence, showing that this is a dispute of material facts and inappropriate for dismissal or summary judgment. The court cannot evaluate as a matter of law whether the audience of Porter's statements–an audience that is still unknown at this early stage in the litigation–has heard of the *Hustler* case, has seen the movie Porter refers to, or would make the connection between the movie and the statements.

Moreover, the question of Porter's intent is a material fact in dispute. Porter claims his intent was parody, but it is at least equally if not more likely that Porter's intent was to defame and humiliate Barr with statements that resembled the *Hustler* statements with the intention of hiding behind the defense of parody to evade liability should Barr file suit. The question of Porter's credibility is only appropriate for the jury, not the court.

Porter's parody defense presents questions of material fact, including but not limited to, whether a reasonable reader would understand the Sign and the Facebook Post to be parody, and whether Porter's intent was parody or defamation. The plain language of the Sign and the Facebook Post without added factual context cannot be understood as anything but a genuine allegation that Barr committed incest with his mother. If words are capable of more than one meaning or a defamatory meaning could be inferred, then the meaning to be attributed to them is a question of fact for the jury. *Hohman v. A.S. Abell Co.,* 44 Md.App. 193, 197, 407 A.2d 794, 797 (1979); *Fitzgerald v. Penthouse Intern., Ltd.,* 639 F.2d 1076, 1079 (4th Cir.1981). *See also Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496 (1991). Just like in *Masson*:

> The work at issue here, however, as with much journalistic writing, provides the reader no clue that the quotations are being used as a rhetorical device or to paraphrase the speaker's actual statements. To the contrary, the work purports to be nonfiction, the result of numerous interviews. At least a trier of fact could so conclude. The work contains lengthy quotations attributed to petitioner, and neither Malcolm nor her publishers indicate to the reader that the quotations are anything

> but the reproduction of actual conversations. … These factors would, or at least could, lead a reader to take the quotations at face value. A defendant may be able to argue to the jury that quotations should be viewed by the reader as nonliteral or reconstructions, but we conclude that a trier of fact in this case could find that the reasonable reader would understand the quotations to be nearly verbatim reports of statements made by the subject.

Id., 501 U.S. at 513. Here too, the Sign and the Facebook Post provide no clues that the work is anything but a genuine allegation and a genuine conversation with a "reporter." Porter may be able to argue to the jury that quotations should be viewed by the reader as nonliteral or reconstructions, but "a trier of fact in this case could find that the reasonable reader would understand the quotations to be nearly verbatim reports of statements made by the subject." *Id.*

Porter does not dispute the elements of defamation. His only argument is that he is just like Larry Flynt and President Barr is just like Jerry Falwell, and just like Larry Flynt succeeded in asserting a parody defense, Porter should succeed as well. What he fails to realize is that Larry Flynt only prevailed because he was able to convince a jury that "a reader could not reasonably believe that the parody was describing actual facts about Falwell." *Falwell v. Flynt*, 797 F.2d at 1275.[1] If Porter wishes to succeed as Flynt did, he must convince a jury as well. Accordingly, Porter's Motion should be denied, and the lawsuit should be permitted to proceed to discovery and ultimately to trial by jury.

C. Defendant's Anti-SLAPP Argument Fails Because the Speech at Issue does not Address a Matter of Public Concern and the Lawsuit was not Brought in Bad Faith

Porter's anti-SLAPP defense under § 5-807 fails because the suit does not meet all of Maryland's anti-SLAPP statute's required criteria. The statute defines a lawsuit as a SLAPP suit if it meets all of the following criteria: (1) The suit is brought in bad faith against a party who has

[1] *See also The People vs. Larry Flynt*, Clip (6), www.youtube.com (Columbia Pictures 1996), https://www.youtube.com/watch?v=TsvB61mDoG8.

communicated with a federal, State, or local government body or the public at large to report on, comment on, rule on, challenge, oppose, or in any other way exercise rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights regarding any matter within the authority of a government body or any issue of public concern; (2) The lawsuit is materially related to the defendant's communication; and (3) The lawsuit is intended to inhibit or inhibits the exercise of rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights.

1. Porter's statements are not a matter of public concern

> To be a SLAPP suit, a lawsuit must be aimed at a person or entity "who has communicated with a ... government body or the public" in the exercise of rights afforded by the First Amendment or Article 10, Article 13, or Article 40, of the Maryland Declaration of Rights *"regarding any matter within the authority of a government body or any issue of public concern[.]"* CJP § 5-807(b)(1) (emphasis added). The statute focuses upon the substance of communications and the identity of the recipients of those communications. *Communications about matters that are neither within the authority of a government body nor on an issue of public concern are not protected communications under the Anti-SLAPP statute.*

MCB Woodberry, 253 Md. App. at 301-02 (emphasis added). The court went on to explain what constitutes a "public concern."

> First Amendment jurisprudence in the context of actions for defamation and wrongful discharge establish that a matter of "public concern" means "'fairly considered as relating to any matter of political, social, or other concern to the community,'" *Snyder v. Phelps*, 562 U.S. 443, 453, 131 S.Ct. 1207, 179 L.Ed.2d 172 (2011) (quoting *Connick v. Myers*, 461 U.S. 138, 146, 103 S.Ct. 1684, 75 L.Ed.2d 708 (1983)), "or when it 'is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public,'" *id*. (quoting *San Diego v. Roe*, 543 U.S. 77, 83-84, 125 S.Ct. 521, 160 L.Ed.2d 410 (2004)); *accord O'Leary v. Shipley*, 313 Md. 189, 201, 545 A.2d 17 (1988). Whether a communication is "on a matter of public concern is a question of law for the court, to be determined 'by the content, form, and context of a given statement.'" *McIntyre v. Guild, Inc*., 105 Md. App. 332, 350, 659 A.2d 398 (1995).

Id., 256 Md. App. at 333-34. In that case, the statements at issue were concerns about parking raised by members of a Homeowners' Association, which the court ruled were a matter of public

concern, as they related to community welfare and were directed to a government body. Here, the statements at issue are false allegations broadcast to the public that Barr committed incest with his recently deceased mother. There is no legitimate public concern about false vulgar accusations. Porter does not argue that the public has any interest in such statements. On the contrary, in his brief he states that the comments were merely meant as a "joke" and as "ridicule" not as any serious advocacy or political statement. Motion at 14-15. The substance of the "joke" is a purely personal attack on Barr and Barr's mother, and does not relate to Barr's official position, an official policy that Barr supports, or any conduct committed by Barr in his official capacity. Porter does not and cannot explain how this purely personal attack that is admittedly false is a matter of public interest.

"Whether the First Amendment prohibits holding [a defendant] liable for its speech in this case turns largely on whether that speech is of public or private concern, as determined by all the circumstances of the case." *Snyder v. Phelps*, 562 U.S. 443, 451 (2011). In *Snyder,* the Supreme Court held that not all speech is of equal First Amendment importance." *Id.* at 452. The Court noted that "where matters of purely private significance are at issue, First Amendment protections are often less rigorous." *Id.*

> That is because restricting speech on purely private matters does not implicate the same constitutional concerns as limiting speech on matters of public interest: "[T]here is no threat to the free and robust debate of public issues; there is no potential interference with a meaningful dialogue of ideas"; and the "threat of liability" does not pose the risk of "a reaction of self-censorship" on matters of public import.

Id. (internal quotation marks omitted).

In *Snyder*–one of the few cases aside from *Hustler* cited in Porter's brief–the Supreme Court cited examples of "speech of only private concern," including *San Diego v. Roe,* 543 U.S. 77 (2004), where the Court concluded that:

> videos of an employee engaging in sexually explicit acts did not address a public concern; the videos "did nothing to inform the public about any aspect of the [employing agency's] functioning or operation.

Id. at 84.

In that case, the defamatory statement at issue was an authentic video of a public official engaged in sexually explicit acts, and yet the Court found that such speech was not of public concern. Here, the defamatory statement is a fictional sexually explicit act that never occurred imagined by Porter, so *a fortiori*, Porter's vulgar false statements are not of public concern. Porter's Sign and Facebook Posts do "nothing to inform the public about any aspect" of Barr's official position. Accordingly, Porter fails to meet the public concern element of the anti-SLAPP statute.

2. <u>This lawsuit was not brought in bad faith</u>

The term "bad faith" in the anti-SLAPP context is construed in the same way it is used in Rule 1-341, governing sanctions against litigants and/or their counsel for maintaining or defending a proceeding in bad faith or without substantial justification. *MCB Woodberry*, 256 Md. App. at 307-08. In that context, "bad faith" is construed to mean the pursuit of litigation "vexatiously, for the purpose of harassment or unreasonable delay, or for other improper reasons." *Inlet Assocs. v. Harrison Inn Inlet, Inc*., 324 Md. 254, 268 (1991); *accord Christian v. Maternal-Fetal Medicine Assocs. of Md., LLC*, 459 Md. 1, 21 (2018). This definition is consistent with frequent dictionary definitions of "bad faith," which emphasize dishonest motivation. *See* Black's Law Dictionary, 171 (11th ed. 2019) (defining "bad faith" as "[d]ishonesty of belief, purpose, or motive"); Webster's Third New Int'l Dictionary, 816 (2002) (defining "faith" as "sincerity or honesty of intentions" and, when modified with "bad," to mean an attempt to "deceive, mislead, or defraud"). The definition of bad faith in the context of Rule 1-341, like the Anti-SLAPP statute, serves the purpose of deterring abusive litigation. *See Christian*, 459 Md. at 19 (Rule 1-341 "was intended to function primarily as a deterrent" against abusive litigation) (quotations and citation omitted).

Porter makes several arguments in support of his allegation that the lawsuit was brought in bad faith. (Motion at 18-19). First, "The Plaintiff filed suit and served a defendant before trying to settle this matter in good faith." Motion at 18. Plaintiff cites no authority showing that the anti-SLAPP statute requires a plaintiff to attempt settlement before filing a lawsuit. Even if there were such a provision, Porter cites no evidence that Barr did no attempt to settle prior to filing or that attempts to settle with Porter would have been productive.

Second, Porter makes a series of miscellaneous incoherent conclusory allegations that the lawsuit constitutes "extortion," "mail and wire fraud," and was filed for the "illegal purpose of silencing the most vocal political opponent of Commissioner John Barr." (Motion at 18-19). These wild allegations lack any evidentiary or legal support and should be disregarded. The fact that Porter is a critic of Barr does not immunize Porter from liability for knowingly making false and defamatory statements about matters that are not of public concern. Porter's miscellaneous allegations are conclusory, without evidentiary or legal support, and meritless.

Third, he argues that prior knowledge of the *Hustler* case is somehow a sign of bad faith. But as stated above, even if Barr or his attorneys had prior knowledge of the *Hustler* case, this case is distinguishable and there is at least a good faith basis to believe that *Hustler* does not immunize Porter from liability for his defamatory comments.

Finally, he argues that seeking $10,000,000.00 in relief is evidence of bad faith. (Motion at 17). However, in Maryland and elsewhere juries have awarded millions of dollars for emotional and punitive damages, as are sought in this case.

- *Bargar v. Midatlantic Cardiovascular Assoc*., No. 24-C-03-011029, 2005 WL 4170581 (Md. Cir. Ct. Dec. 13, 2005), a Maryland jury awarded $5,003,250.00 to a plaintiff,

including $2,000,000.00 for pain and suffering, $100,000.00 for damage to marital relationship, and $2,750,000.00 for punitive damages.

- *Longtin v. Prince George's County,* No. CAL 00-24454, 2006 WL 5709776 (Md. Cir. Ct. Aug. 24, 2006), a Maryland jury awarded $6,400,000.00 to a plaintiff, including $5,200,000 for pain and suffering, and $1,200,000.00 for punitive damages.
- *Carey v. Kawaja,* No. 24-C-01-003888, 2002 WL 32374696 (Md. Cir. Ct. Oct. 25, 2002), a Maryland jury awarded a plaintiff $8,000,000.00 for pain and suffering.

It is not uncommon for high-profile cases involving public figures who prove malice to win multi-million-dollar awards in defamation cases. *E.g., Burnett v. National Enquirer, Inc.,* No. C32204, 1983 WL 1305289 (Cal. Super. Ct. May 17, 1983) (jury awarded $1.6 million for defamation); *Carroll v. Trump,* No. 22-cv-10016, 2024 WL 218842 (S.D.N.Y. Jan. 26, 2024) (jury awarded $83.3 million for defamation); *Depp v. Heard,* No. CL-2019-2911, 2022 WL 1692380 (Va. Cir. Ct. June 1, 2022) (jury awarded $10.35 million for defamation).

Here, $10,000,000.00 is not excessive as the evidence will show that Barr suffered severe emotional damage due to Porter's vulgar false statements that were made while Barr was still mourning the loss of his mother. In *Hustler*, a jury found the ad– which according to Porter is the same as the statements at issue in this case–so outrageous that it caused Falwell to suffer emotional distress warranting an award of $150,000, which is close to half a million dollars today when adjusted for inflation. Barr alleges and will prove at trial that statements in this case and the context in which they were made are far worse. One important distinction is that the statements in the Falwell case were confined to a subscription-only pornographic magazine before the age of the internet. Porter's signs by contrast, according to his own admission, has accumulated "over one

billion views" via the internet, making the harm that he caused to Barr more than anything Jerry Falwell or Larry Flynt could have imagined in the 1980s.

3. Dismissal for SLAPP is premature.

Though the structure of the Anti-SLAPP statute allows that, in the appropriate case, bad faith may be decided upon a preliminary motion to dismiss, courts will deny anti-SLAPP motions when the record is insufficient to conclude the presence of bad faith. *MCB Woodberry*, 253 Md. App. at 308 ("Unquestionably, determining whether a lawsuit was brought 'vexatiously for the purpose of harassment or unreasonable delay, or for other improper reasons, may involve issues of fact in many cases.'") *See also Connolly v. Lanham*, 685 F. Supp. 3d 312, 344 (D. Md. 2023) ("Ultimately, this Court cannot conclude at this stage that Lanham's Counterclaim was brought in bad faith."); *Ugwuonye v. Rotimi*, 2010 WL 3038099, at *4 (D. Md. July 30, 2010) ("At this stage of the litigation, where discovery has yet to be completed, the Court is not prepared to dismiss the suit based solely on [defendant's] mere allegation that the suit is brought in bad faith."). Moreover, by submitting an affidavit and referring to other materials and facts beyond the pleadings, Porter has transformed his motion to dismiss under the anti-SLAPP statute into one for summary judgment. *MCB Woodberry,* 253 Md. App. at 311 (citing *Russell,* 2010 WL 2765268). As there are genuine issues of fact on bad faith, the motion to dismiss should be summarily denied. *Id.*

Here, Porter makes wild conclusory allegations lacking any evidentiary support other than a self-serving affidavit. Barr has not had a chance to engage in discovery to evaluate Porter's allegations, much less refute them. To the extent that his arguments have any merit–which they do not–his motion should nevertheless be denied because the Court "cannot conclude at this stage that [Barr's Complaint] was brough in bad faith." *Connolly,* 685 F. Supp. 3d, at 344.

D. Dismissal and Summary Judgment are Inappropriate Because There Are Genuine Disputes of Material Facts.

Porter argues on page 11 of his Motion that "no issue of genuine facts exists." Apparently, Porter does not understand when a fact is in dispute because he sets forth numerous disputes of facts in his Motion. On pages 4 through 7, Porter includes a section titled, "Defendant's facts not in dispute," which includes dozens of facts that he believes are undisputable because he included them in a self-serving affidavit. However, most of these facts are indeed in dispute, or else Barr lacks knowledge or information to admit or deny them and they are therefore denied at this stage.

By way of example, Porter alleges that he copied the text for his sign from the ad at issue in *Hustler* (Motion at 11), but that is demonstrably false as the *Hustler* ad included a disclaimer that it was parody, while Porter's does not, and Porter's sign mentions John Barr and Jeff Cline, neither of which are mentioned in the *Hustler* ad. On page 7, Porter boldly asserts that it is undisputed that Barr filed this lawsuit to "silence the viewpoint of his sharpest critic," a conclusory allegation obviously in dispute. On pages 8 through 11 Porter "challenges" Barr to prove certain material facts. But Porter fails to recognize that at the motion to dismiss stage, Barr is not required to prove his case, he is only required to set forth a cognizable claim, which he has.

Porter's affidavit introduces factual assertions (e.g., the Sign's parody intent and Barr's phone number's public status) that go beyond the Complaint's pleadings. Converting the motion to summary judgment would be premature as discovery has not commenced and Barr has not had a reasonable opportunity to present evidence countering Porter's claims. The Court should evaluate the motion as one to dismiss, accepting the Complaint's allegations as true. *Bobiles v. Bd. of Educ*., 403 Md. 1, 8, 939 A.2d 139 (2008).

Porter does not and cannot show that Barr's allegations, accepted as true, do not support his claims for relief. The case is appropriate for trial, not dismissal or summary judgment.

Accordingly, Porter's Motion to dismiss or in the alternative for summary judgment should be denied.

E. Barr Has Standing

Barr obviously has standing. To have standing in Maryland, a plaintiff must show: (1) a personal and specific injury-in-fact, (2) caused by the defendant's conduct, and (3) that is likely redressable by a favorable court decision. *State Ctr., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 502, 92 A.3d 400 (2014). Barr was harmed by Porter's defamation and a favorable court decision will redress the harm. Porter does not and cannot show that Barr does not have standing to bring this lawsuit.

F. Barr Can Recover Damages

Barr can obviously recover damages. In *Hustler,* the case upon which Porter exclusively relies, the jury was authorized to award damages for defamation and IIED if it found malice. Moreover, Barr alleges defamation *per se* so damages are presumed.

G. The Filing is not Deficient for not Joining Justin Holder

Porter cites no authority to support his contention that Justin Holder must be sued.

H. The Claims are not Barred By Res Judicata

Res judicata, requires a final judgment, identical parties, and same cause. *Anne Arundel Cnty. Bd. of Educ. v. Norville*, 390 Md. 93, 107 (2005). *Hustler* involved different parties and different causes. Porter does not identify any prior lawsuit to apply res judicata.

I. Plaintiff's Attorneys Did not Commit Extortion or Wire Fraud

Porter's allegations of extortion and wire fraud are as incoherent as they are baseless. More importantly, the allegations are irrelevant as to whether Barr's Complaint states a claim upon which relief can be granted.

IV. A Hearing at this Stage is Not Required and Would be Wasteful

Porter demands a hearing pursuant to the anti-SLAPP statute. However, because he submitted materials and referred to facts and materials outside of the pleadings, Porter's Motion is properly a Motion for Summary Judgment. As a proper hearing cannot be held at this time because Barr has not had an opportunity to gather his own evidence through discovery, a hearing at this stage would not be appropriate and would be a waste of the Court's and the parties' resources. A hearing at this stage without the benefit of evidence will inevitably end with the Court being unable to conclude whether summary judgment should be granted or denied, and a continuance until after fact discovery has concluded.

Accordingly, Plaintiff Barr respectfully requests that the Court deny Porter's Motion as a Motion to Dismiss and hold in abeyance a ruling on a Motion for Summary Judgment until after discovery is completed, at which time, if the Motion is still pending, both parties may submit briefs with evidence, and the Court can then schedule a hearing on the Motion.

V. CONCLUSION

Defendant's Motion to Dismiss or in the Alternative for Summary Judgment should be denied. The Complaint states plausible claims for defamation, IIED, and invasion of privacy, meeting public-figure defamation standards with multi-million-dollar precedent. Defendant's insistence that *Hustler* provides a loophole is absurd and wrong. The anti-SLAPP statute does not apply as the incest allegation is not a public concern and was made with malice, and the Complaint is not in bad faith, lacking vexatious intent. Factual disputes preclude dismissal or summary judgment. Accordingly, for all of the reasons set forth above, Plaintiff John Barr requests that the Court deny Defendant Shaun Porter's Motion to Dismiss and grant such other relief as deemed just and proper.

Dated: May 13, 2025

Respectfully submitted,

/s/ Jonathan Gross
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Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2025, a copy of the foregoing Plaintiff's Opposition to Defendant's Motion to Dismiss was served by MDEC to all parties registered to receive electronic service, including *pro se* Defendant Shaun Porter who has so registered.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/14/2025 9:33 AM; Submission: 5/14/2025 9:33 AM
Envelope: 21191313

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

Certificate Regarding Discovery

Comes now; Defendant, Shaun Porter, hereby notifies this court that I have served the following discovery materials on the Plaintiff John Barr, by email to him and both of his attorneys.

Served Notice of Deposition dated for Monday 5/20/25 for the Plaintiff only. This is in accordance with Md. Rule 2-412. The email was sent Friday 5/09/25. No documents are requested for this deposition. Pursuant Md. Rule 2-416 all parties were notified the deposition will be video and audio recorded. I have not heard from Plaintiff or counsel with any objections and have seen no motions docketed regarding this matter. I have caused subpoenas to be served upon his closest professional associates Derek Harvey, Jeff Cline, Zachary Kiefer, and Randy Wagner for brief depositions on June 3, 2025.

Respectfully submitted,

/s/ Shaun P. Porter 5/14/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing**, DEFENDANT SHAUN PORTER'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, VIOLATION OF MARYLAND'S ANTI-SLAPP STATUTE AND/OR FOR SUMMARY JUDGEMENT, Proposed Order, Exhibit A** to the Defendant VIA MDEC electronic service as well as to both attorneys of record at sarahspitalnickesq@gmail.com, and jonathangross@gmail.com .

/s/ Shaun P. Porter 5/14/25

Exhibit A

E-FILED; Washington Circuit Court
Docket: 5/14/2025 7:30 PM; Submission: 5/14/2025 7:30 PM
Envelope: 21208272

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Service - Discovery- Notice of Deposition MD Rule 2-415

Shaun Porter <shaunporter@usa.com> Fri, May 9, 2025 at 7:43 PM
To: "sarahspitalnickesqgmail.com" <sarahspitalnickesq@gmail.com>, "jonathangrossgmail.com" <jonathangross@gmail.com>, "jbarrwashco-md.net" <jbarr@washco-md.net>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "ContactCommissionerswashco-md.net" <ContactCommissioners@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, Justin Holder <jholder2004@gmail.com>, "jgreenegannett.com" <jgreene@gannett.com>, "kbucklerradiofreehubcity.com" <kbuckler@radiofreehubcity.com>, "levitrumbullyahoo.com" <levitrumbull@yahoo.com>

10 day notice of deposition in Accordance with MD Rule 2-415

I will be audio and video recording this full day deposition. 8hrs with 30 minute break. Bring a lunch.

8 Am Tuesday May 20th 2025.

I will provide you the location of the run down hotel where it will be held. Most likely the place behind Cancun Cantina. My Depo girl gets the meeting room for me cheap.

PLease have him bring all his medical records, bank statements tax returnes, names of everyone who discussed the sign with him and his entire familys addresses and contact information so I can depose them all as well.

Please bring all recipts to document your $10,000,000 Christmas loss.

3 attachments

Barr1.pdf
709K

Barr2.pdf
694K

Barr3.pdf
460K

Exhibit B

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Recent Settlement - Banned From A Public Meeting $40,000

1 message

Shaun Porter <shaunporter@usa.com> Sat, May 10, 2025 at 11:37 AM
To: Justin Holder <jholder2004@gmail.com>
Cc: "ContactCommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, jonathangross@gmail.com, sarahspitalnickesq@gmail.com, troopermarine@gmail.com, "Bright, Andrew" <abright@washco-md.net>, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, "plazichwashco-md.net" <plazich@washco-md.net>, DELETER IN CHIEF <blevey@washco-md.net>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, "MR. CLEAN" <mpalladi@washco-md.net>, SAO General <sao@washco-md.net>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, Andrew Ford <aford@frederickcountymd.gov>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, BB the Bat <bbthebat13@gmail.com>, kbuckler <kbuckler@radiofreehubcity.com>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Town of Sharpsburg <townofsharpsburg@comcast.net>, Town Hall <townhall@keedysvillemd.com>, TownPlanner <townplanner@townofboonsboro.com>, Ed Kuczynski <ed.kuczlaw@gmail.com>, levitrumbull <levitrumbull@yahoo.com>, Kevin Tucker <kevin.tucker@mdcourts.gov>, Kelly Fisher <kfisher@washco-md.net>, Krystal Kelly <kkelly@bkcklaw.com>

https://www.foxbangor.com/archive/default/local-advocate-wins-40-000-settlement-against-school-district/article_b8eb54fb-ec6e-5855-a56f-13b3961a8dc5.html?fbclid=IwY2xjawKMUapleHRuA2FlbQIxMQABHl2VaGk3qp5HwjXCgsd7JXE4XKEWB4OBjhUeX5Pee11l2BJ-c4MipB4y-ip6_aem_5Vf9jsHfXzwdnszJtQSVMw

--
Sent with mail.com Mail app

On 5/10/25, 11:23 AM Justin Holder <jholder2004@gmail.com> wrote:

> Are these in the Barr v. Porter case, or the 180 case?
>
> On Sat, May 10, 2025, 9:17 AM Shaun Porter <shaunporter@usa.com> wrote:
>
> > Please be ready to testify to John Barr's $10,000,000 bad Christmas ..stories he may have shared.. how he acted...did he vomit after Christmas from his "Distress" over my political sign.
> >
> > Also please prepare to testify to how a sign in my yard has ruined John Barr's ability to function.
> >
> > I Need the following peopele's testimony for my ANTI SLAPP hearing which is an expedited hearing based on John Barr's Malice.
> >
> > 2hr Depo List
> >
> > I intend to get subpoenas ro appear to be deposed Monday for;
> > Jeff Cline
> > Derek Harvey
> > Randy Wagner
> > Michelle Gordon
> > Jonathan Horowitz
> > Dawn Markus
> >
> > Related to Damages Professional Reputational Damage from Political Parody Sign
> > 1 hr depo list
> >
> > Sheriff Brian Albert
> > Peter Lazich
> > Dave Fortson
> > Josh McAuley
> > LT GRIMM aka bald Brad pitt.
> >
> > 1hr or less list
> >
> > State's Attorney Gina Cirinicione
> >
> > Judge Thomas

Exhibit B

Judge Lobely

Mayor Bill Mcintire

Governor Moore

Derek....behave better than you did in District court. This is video and audio recorded just like when you made a fool of yourself in District court. 100k people watched on Instagram.

Please prepare to be deposed by myself and my associate Justin Holder.
Justin will be back for the Parade float featuring John Barr's sign.

As you well know Barr has made claims regarding damages leading into your governing body. I am entitled to depose witnesses related to his frivolous claims for his multiple causes of action which are all barred by U.S. supreme court case law from 88' and 12'. None the less I need to prepare and thus we need to find the truth from you fellas. Especially Derek.

I will have zach served as he has already stated in writing he will accept service on your behalf.

Zach I'll be by with my process server 11:15 am. Are you allergic to Rabbits?

Shaun

--
Sent with mail.com Mail app

Exhibit C

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-25-000161

STATE OF MARYLAND
or
John Barr (Plaintiff) vs. Shawn Porter (Defendant)

TO: Jeff Cline
Name
100 W Washington St
Address 1
Address 2
Hagerstown MD 21740
City, County, State, Zip

Issue Date: 5/12/25
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☐ court proceeding ☐ deposition at the following location:

Zoom
Address of Court or Other Location
City, State, Zip

On June 3 2025 (Date) at 10 (Time) ☑ a.m ☐ p.m.

☐ To testify in the above case, and/or 2 HR

☐ To produce the following documents, items, and information, not privileged: _____

☐ To produce, permit inspection and copying of the following documents or other tangible items: _____

Defendant
Requested By

requested issuance of this subpoena. Questions should be referred to:

Shawn Porter
Name
202 830 8048
Phone

6563 Edgewood Rd
Address
New Market MD 21774
City, State, Zip

Special Message: _____

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____
on the following date: _____ by the following method (specified as required by Rule 2-126): _____

Signature

Printed Name

CC-004 (Rev. 07/2018)

Exhibit C

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-25-000061

STATE OF MARYLAND
or
John Barr
Plaintiff

vs.

Shawn Porter
Defendant

TO: Dere K Harvey
Name
100 W Washington St
Address 1
Address 2
Hagerstown MD 21740
City, County, State, Zip

Issue Date: 5/12/25
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☐ court proceeding ☑ deposition at the following location:

ZOOM
Address of Court or Other Location
City, State, Zip

On Jun 3 2025 at 1 PM ☐ a.m ☐ p.m.
Date Time

☑ To testify in the above case, and/or 2 HR

☐ To produce the following documents, items, and information, not privileged:

☐ To produce, permit inspection and copying of the following documents or other tangible items:

Shawn Porter Defendant requested issuance of this subpoena. Questions should be referred to:
Requested By

Shawn Porter
Name

202 830 8047
Phone

6583 Edgewood Rd
Address

New Market MD 21774
City, State, Zip

Special Message:

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoen

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s):

on the following date: _____ by the following method (specified as required by Rule 2-126):

Signature

Printed Name

CC-004 (Rev. 07/2018)

Exhibit C

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-25-000161

STATE OF MARYLAND
or
John Bagg
Plaintiff

vs.

Shaun Porter
Defendant

TO: Randy Wagner
Name
100 W Washington St
Address 1
Address 2
Hagerstown MD 21740
City, County, State, Zip

Issue Date: 5-12-25
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☐ court proceeding ☑ deposition at the following location:

Zoom
Address of Court or Other Location
City, State, Zip

On June 3 2025 Date at 3 Time ☐ a.m ☑ p.m.

☐ To testify in the above case, and/or 2 hr

☐ To produce the following documents, items, and information, not privileged: _____

☐ To produce, permit inspection and copying of the following documents or other tangible items: _____

Defendant
Requested By

requested issuance of this subpoena. Questions should be referred to:

Shaun Porter
Name
202 830 8048
Phone

6583 Kilgour Rd
Address
Lon Marie MD 21771
City, State, Zip

Special Message: _____

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoen

Kevin Tucker

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____
on the following date: _____ by the following method (specified as required by Rule 2-126): _____

Signature

Printed Name

CC-004 (Rev. 07/2018)

Exhibit C

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-25-000161

STATE OF MARYLAND
or
John Barr
Plaintiff

vs.

Shawn Potter
Defendant

TO: Zachary Kieffer
Name
100 W Washington St
Address 1
Address 2
Hagerstown, MD 21740
City, County, State, Zip

Issue Date: 5/12/25
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☐ court proceeding ☐ deposition at the following location:

Address of Court or Other Location
City, State, Zip

On Date at 12 Time ☐ a.m ☑ p.m.

☑ To testify in the above case, and/or 2 hr

☐ To produce the following documents, items, and information, not privileged:

☐ To produce, permit inspection and copying of the following documents or other tangible items:

Defendant
Requested By

requested issuance of this subpoena. Questions should be referred to:

Shawn Potter
Name

6583 Ridgewood Rd
Address

2028307048
Phone

New Market MD 21774
City, State, Zip

Special Message:

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoen

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s):

on the following date: by the following method (specified as required by Rule 2-126):

Signature

Printed Name

CC-004 (Rev. 07/2018)

Exhibit D

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Depositions of Colonel Derek Harvey, John Barr, Jeff Cline, Zachary Kieffer, Randy Wagner

1 message

Shaun Porter <shaunporter@usa.com> Wed, May 14, 2025 at 9:55 AM
To: "ContactCommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, "sarahspitalnickesqgmail.com" <sarahspitalnickesq@gmail.com>, "jonathangrossgmail.com" <jonathangross@gmail.com>, Kevin Karpinski <kevin@bkcklaw.com>, kevin.tucker@mdcourts.gov, Krystal Kelly <kkelly@bkcklaw.com>

Video and Audio recorded depositions of:

John Barr
Jeff Cline
Derek Harvey
Randy Wagner

County Attorney Zach Kieffer

The court knows you guys are under subpoena or have been served notice persuant Md. Rule 2-412.

I have not heard from John Barr or his attorneys regarding his May 20th Deposition date.

I have not heard from anyone else who was served.

Pursuant Maryland rules I will seek a body attachment for anyone who does not show up for their deposition or in John's case a motion to compel.

This costs a significant amount of money, which the court may make you liable for re-imbursing, should you no show. (Jeff)

Please feel free to (email only)contact me in regards to the June 20th date. John Barr needs to go through his attorneys.

I put all parties and attorneys on this email so playing dumb will not work as an excuse not to appear.

Here is video proof of service. So far in 36 hours 666,000 people watched it on Tik Tok alone, let alone X, Facebook, Twitch, Rumble, Instagram and many others as my posts are reposted by dozens of other similarly interested citizens. A lot of people care about government corruption.

https://www.tiktok.com/t/ZP86xBJhV/

I have seen no motions regarding the notice to John or Subpoenas.

Certificate Regarding Discovery.pdf
391K

E-FILED; Washington Circuit Court
Docket: 5/15/2025 11:49 AM; Submission: 5/15/2025 11:49 AM
Envelope: 21216206

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue, Hagerstown, Maryland, 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: SARAH SPITALNICK
23 WALKER AVENUE
SUITE 207
PIKESVILLE, MD 21208

Case Number: **C-21-CV-25-000161**
Other Reference Number(s):

JOHN BARR VS. SHAUN PORTER

Date: 5/15/2025

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Motion to Quah Subpoenas.**

☒ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope (i.e., Omnibus Motions) (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(s).

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 5/15/2025 with envelope 21208272.

Kevin R. Tucker
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

Date Judge

cc:

Sarah Spitalnick
Jonathan Stuart Gross
Shaun Porter

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
Envelope: 21225265

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Case No. C-21-CV-25-000161
SHAUN PORTER Defendant.	)	

PLAINTIFF'S MOTION TO QUASH SUBPOENAS AND DEPOSITION NOTICE

Plaintiff John Barr, by and through counsel, respectfully moves this Court to quash the subpoenas served on Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer on May 12, 2025, and the purported deposition notice for John Barr emailed on May 9, 2025, pursuant to Maryland Rules 2-432 and 2-510. Plaintiff further requests that any other subpoenas issued by Defendant and buried in his spam emails be quashed. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed May 15, 2025 (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court quash the subpoenas and deposition notice as requested and grant such other relief as deemed just and proper.

Dated: May 15, 2025

Respectfully submitted,
/s/ Jonathan Gross
Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I certify that on May 15, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
Envelope: 21225265

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Case No. C-21-CV-25-000161
SHAUN PORTER Defendant.	)	

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

Plaintiff John Barr, by and through counsel, respectfully moves this Court to issue a protective order under Maryland Rule 2-403 prohibiting Defendant Shaun Porter from issuing further discovery until the pending Motion to Dismiss, filed May 9, 2025, is resolved. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed May 15, 2025 (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court issue a protective order as requested and grant such other relief as deemed just and proper.

Dated: May 15, 2025

Respectfully submitted,
/s/ Jonathan Gross
Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I certify that on May 15, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
Envelope: 21225265

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Case No. C-21-CV-25-000161
SHAUN PORTER Defendant.	)	

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND SANCTIONS

Plaintiff John Barr, by and through counsel, respectfully moves this Court to award attorneys' fees and costs incurred in preparing and filing the Motion to Quash Subpoenas and Deposition Notice, pursuant to Maryland Rule 1-341, and to sanction Defendant Shaun Porter for his bad-faith and harassing discovery tactics. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed May 15, 2025 (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court award attorneys' fees and costs, sanction Defendant, and grant such other relief as deemed just and proper.

Dated: May 15, 2025

Respectfully submitted,
/s/ Jonathan Gross
Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I certify that on May 15, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
Envelope: 21225265

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Case No. C-21-CV-25-000161
SHAUN PORTER Defendant.	)	

PLAINTIFF'S MOTION FOR EXPEDITED BRIEFING SCHEDULE

Plaintiff John Barr, by and through counsel, respectfully moves this Court to order an expedited briefing schedule to resolve the pending motions before the purported deposition date of May 20, 2025, pursuant to Maryland Rule 2-311(b). The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed May 15, 2025 (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court order an expedited briefing schedule and grant such other relief as deemed just and proper.

Dated: May 15, 2025

Respectfully submitted,
/s/ Jonathan Gross
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Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I certify that on May 15, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
Envelope: 21225265

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Case No. C-21-CV-25-000161
SHAUN PORTER Defendant.	)	

PLAINTIFF'S MOTION
TO REQUIRE COURT PERMISSION FOR FUTURE DISCOVERY

Plaintiff John Barr, by and through counsel, respectfully moves this Court to require Defendant Shaun Porter to seek court permission before serving future discovery requests, pursuant to Maryland Rules 2-403 and 1-341, to prevent further harassment and abuse of the discovery process. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed May 15, 2025 (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court require Defendant to seek court permission for future discovery and grant such other relief as deemed just and proper.

Dated: May 15, 2025

Respectfully submitted,
/s/ Jonathan Gross
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Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I certify that on May 15, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/15/2025 4:31 PM; Submission: 5/15/2025 4:31 PM
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CIRCUIT COURT FOR
WASHINGTON COUNTY, MARYLAND

BARR *Plaintiff*,	)	
v.	)	Case No.: C-21-CV-25-000161
PORTER *Defendant*.	)	

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTIONS TO QUASH SUBPOENAS AND DEPOSITION NOTICE, MOTION FOR PROTECTIVE ORDER, REQUEST FOR ATTORNEYS' FEES AND SANCTIONS, AND REQUEST FOR EXPEDITED BRIEFING SCHEDULE

COMES NOW Plaintiff John Barr, by and through his counsel, and pursuant to Maryland Rules 2-403, 2-432, and 2-510, respectfully moves this Court to quash the subpoenas served by Defendant Shaun Porter on May 12, 2025, directed to Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer, and the purported deposition notice emailed on May 9, 2025, targeting Plaintiff John Barr. Plaintiff further requests an award of attorneys' fees and sanctions under Maryland Rule 1-341 for Defendant's bad-faith and harassing discovery tactics, as well as an order requiring Defendant to seek court permission before serving future discovery requests to prevent ongoing abuse. Due to the imminent deposition date of May 20, 2025, Plaintiff requests an expedited briefing schedule. In support of this motion, Plaintiff states as follows:

INTRODUCTION

On May 9, 2025, Defendant Shaun Porter, acting pro se, emailed a defective and ambiguous notice purporting to schedule a deposition of Plaintiff John Barr for May 20, 2025, at 8:00 a.m. at an unspecified "run down hotel," without proper captioning, recipient identification, or location, and using an incorrect email address for Plaintiff's counsel. Exhibit A. This notice was sent to a dozen unrelated individuals, including county officials, before Defendant even responded to the lawsuit and without any meet-and-confer, rendering it procedurally invalid and harassing.

On May 12, 2025, Defendant sent an individual to deliver subpoenas to Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer for depositions on June 3, 2025, despite a pending Motion to Dismiss that could render discovery moot. Exhibit C. Defendant's additional emails reveal his intent to depose 16 unrelated individuals, including "LT GRIMM aka bald Brad pitt," "Mayor Bill Mcintire," and "Governor Moore," further evidencing his bad-faith motive to harass rather than pursue legitimate discovery. Exhibit B.

Defendant, a pro se activist known for generating social media content (Dkt. 5/9/25 ("Motion")), brags about posting "proof of service" on TikTok, claiming 666,000 views (Exhibit D) and sends almost daily spam emails to numerous recipients, including county and state officials making it impossible for Plaintiff and witnesses to discern legitimate discovery requests. These actions are overly burdensome, in bad faith, and unrelated to the litigation, especially given Defendant's own Motion to Dismiss, which argues the case should be dismissed before discovery commences (*see generally* Motion). The Court should quash the subpoenas and deposition notice, impose attorneys' fees and sanctions, and require Defendant to seek court permission for future discovery to prevent further harassment. An expedited briefing schedule is necessary, as the purported Barr deposition is scheduled for May 20, 2025, in less than one week from this filing.

FACTUAL BACKGROUND

On March 31, 2025, Plaintiff John Barr filed a Complaint against Defendant Shaun Porter, alleging defamation, intentional infliction of emotional distress (IIED), and invasion of privacy based on Porter's publication of a false and defamatory sign accusing Barr of incest and doxing Barr's personal cellphone number. (Dkt. 3/31/25 ("Compl.")).

On May 9, 2025, Defendant filed a Motion to Dismiss for Failure to State a Claim, Violation of Maryland's Anti-SLAPP Statute, and/or for Summary Judgment, which remains

pending. (Dkt. 5/9/25 ("Motion")). Also on May 9, 2025, Defendant emailed a purported "Notice of Deposition" under Maryland Rule 2-415, claiming to schedule a deposition of Plaintiff John Barr for May 20, 2025, at 8:00 a.m. at an unspecified "run down hotel." (Ex. A). The email is riddled with deficiencies. It lacks a proper caption and does not mention the case name or number; it is not addressed to anyone; it does not specifically name Barr as the deponent; it does not name a location; it was spammed to at least a dozen unidentified email addresses (not included any email addresses that were blind copied); it uses an incorrect email address for Plaintiff's counsel (jonathangross@gmail.com instead of jonathansgross@gmail.com); it fails to specify a location or provide reasonable notice; it was sent before Defendant Answered the Complaint and without any meet-and-confer, in violation of Maryland Rule 2-401(d).

On May 10, 2025, Defendant spammed another email that purportedly states Porter's intent to depose 16 individuals, including "LT GRIMM aka bald Brad pitt," "Mayor Bill Mcintire," and "Governor Moore," and other individuals unrelated to this case. (Ex. B). The email mocks witness Derek Harvey, references a "Parade float featuring John Barr's sign," and asks "Zach" if he is "allergic to Rabbits."

On May 12, 2025, Defendant subpoenas were delivered to Zach Kiefer, purportedly to effect service on Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer, directing them to appear for depositions on June 3, 2025. Ex. C. Defendant did not confer with Plaintiff's counsel to select mutually agreeable dates, as required by Maryland Rule 2-401(d). The June 3, 2025 date was never before mentioned in emails. The June 3, 2025, deposition date falls during the Jewish holiday of Shavuot (June 2–4, 2025), when Plaintiff's undersigned counsel Attorney Jonathan Gross, an Orthodox Jew, will be observing the holiday and will be unavailable to attend.

The subpoenaed witnesses have no apparent relevance to this case: Jeff Cline is mentioned in the defamatory sign, but Defendant admits the sign's statements are false (Motion at 3), rendering any testimony by Cline irrelevant. Derek Harvey, Randy Wagner, and Zach Kieffer are not mentioned in the Complaint or Defendant's Motion to Dismiss and have no known connection to the facts or issues in this case.

Defendant has a documented history of harassment, as evidenced by his conduct at Washington County Commissioners' meetings, of which the Court may take judicial notice (see *Abrishamian v. Washington Med. Grp., P.C.*, 216 Md. App. 386, 413 (2014)). These include:

- June 4, 2024 Meeting, https://www.youtube.com/watch?v=u0Raybom6y4 at 16:51;
- June 11, 2024 Meeting, https://www.youtube.com/watch?v=Gqv1vj1mmK8 at 20:36;
- June 18, 2024 Meeting, https://www.youtube.com/watch?v=mTp1V8BuiI0 at 19:05;
- August 6, 2024 Meeting, https://www.youtube.com/watch?v=j3zvRdlesX8 at 29:55;
- August 27, 2024 Meeting, https://www.youtube.com/watch?v=L1_QlQufM5c at 1:02:58;
- October 8, 2024 Meeting, https://www.youtube.com/watch?v=x0UffqywR1g at 35:47;
- January 14, 2025 Meeting, https://www.youtube.com/watch?v=52UIDH16OCU&t=8s at 47:08.

In another spam email sent on May 14, 2025, Defendant brags about posting "proof of service" on TikTok, claiming 666,000 views (Ex. D).

Porter's almost daily spam emails make it difficult for Plaintiff and witnesses to identify legitimate discovery requests, and Porter's actions suggest a motive to harass and generate social media content.

LEGAL STANDARD

Under Maryland Rule 2-432(b), a party may move to quash a subpoena or deposition notice if it is unreasonable, oppressive, or fails to comply with the Maryland Rules. The court may grant such a motion when the discovery sought is irrelevant, unduly burdensome, or issued for improper purposes, such as harassment. *Bond v. Slavin*, 157 Md. App. 340, 351 (2004). Maryland Rule 2-403(a) authorizes a protective order to prevent "annoyance, embarrassment, oppression, or undue burden or expense." Maryland Rule 2-412 requires deposition notices to provide reasonable notice and specify the time and place.

Maryland Rule 1-341 permits the court to award attorneys' fees and sanctions when a party maintains or defends a proceeding in bad faith or without substantial justification. Bad faith includes pursuing litigation or discovery "vexatiously, for the purpose of harassment or unreasonable delay, or for other improper reasons." *Inlet Assocs. v. Harrison Inn Inlet, Inc*., 324 Md. 254, 268 (1991). Sanctions deter abusive discovery practices and ensure efficient litigation. *Christian v. Maternal-Fetal Medicine Assocs. of Md., LLC*, 459 Md. 1, 19 (2018).

Given the May 20, 2025, deposition date, an expedited briefing schedule is warranted to resolve this motion promptly. Md. Rule 2-311(b) (courts may expedite proceedings for good cause).

ARGUMENT

The subpoenas and purported deposition notice should be quashed for the following reasons, each independently sufficient. The Court should impose sanctions, require Defendant to seek court permission for future discovery, and expedite briefing due to the imminent May 20, 2025, deposition date.

A. Defendant's subpoenas and deposition notice are premature because his Motion to Dismiss, filed on May 9, 2025, remains pending.

Maryland courts routinely stay discovery pending resolution of a motion to dismiss to avoid unnecessary burden when the case may be dismissed on legal grounds. *Falik v. Hornage*, 413 Md. 163, 182 (2010). Defendant's Motion to Dismiss asserts that Plaintiff's claims fail under Maryland's Anti-SLAPP statute and *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988). If granted, the motion would dispose of the case, rendering discovery moot.

Defendant's attempt to conduct invasive discovery, including deposing Plaintiff and unrelated witnesses, while seeking dismissal contradicts his own legal strategy and imposes premature burdens. This Court should quash the subpoenas and deposition notice to prevent inefficiency and prejudice. *Bond*, 157 Md. App. at 351.

B. The Purported Deposition Notice for Barr Is Procedurally Defective and Harassing

The May 9, 2025, email purporting to notice Barr's deposition is defective and harassing, failing to comply with Maryland Rule 2-412, which requires a deposition notice to provide reasonable notice, specify the time and place, and be properly served. The notice fails for multiple reasons:

Lack of Specificity and Proper Captioning: The email lacks a proper caption, does not name Barr as the deponent, and vaguely references a deposition at a "run down hotel" without an address. (Ex. A). This fails to provide the "reasonable written notice" required by Rule 2-412(a). The email was buried in a barrage of harassing spam emails that Porter sends almost daily to multiple recipients. Undersigned counsel only became aware of the May 9, 2025 email on May 14, 2025, six days before the scheduled deposition.

Improper Service: The email was sent to a dozen unrelated recipients, including county officials, and used an incorrect email address for Plaintiff's counsel (jonathangross@gmail.com). Given the

pending Motion to Dismiss, neither Plaintiff nor his counsel were expecting discovery requests. The email is substantively indistinguishable from the almost daily spam that he sends to county officials and others, and it is understandable and expected that recipients ignore or disregard the substance contained in these emails.

No Meet-and-Confer: Defendant failed to confer with counsel to schedule the deposition, violating Maryland Rule 2-401(d). This is particularly egregious given Defendant's pattern of spamming emails, making it impossible to discern legitimate discovery requests.

Premature Timing: The notice was sent before Defendant responded to the Complaint and concurrently with his Motion to Dismiss, undermining any claim of good faith. It also precedes any court ruling on the Motion to Dismiss, rendering it premature.

Publicity Motive: Defendant brags about posting "proof of service" on TikTok, claiming 666,000 views (Ex. D), indicating the notice was issued to generate social media content, not to pursue legitimate discovery.

The defective notice mirrors the disruptive tactics in *Falwell v. Flynt*, 797 F.2d 1270, 1273 (4th Cir. 1986), *rev'd sub nom. Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), where Larry Flynt, whom Defendant admires (Motion at 12), disrupted a deposition with frivolous testimony. Defendant's actions are harassing and procedurally invalid, warranting quashing of the notice.

C. The Subpoenas Are Irrelevant and Seek Testimony Unrelated to the Case

The subpoenas for Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer target irrelevant witnesses. Maryland Rule 2-402(a) limits discovery to matters "relevant to the subject matter involved in the action." Irrelevant discovery is improper. *Gallagher Evelius & Jones, LLP v. Joppa Drive-Thru, Inc.,* 195 Md. App. 583, 595 (2010).

Jeff Cline is mentioned in the defamatory sign, but Defendant admits the sign's statements are false (Motion at 3), rendering Cline's testimony irrelevant. Cline has no connection to the publication, intent, or damages. Derek Harvey, Randy Wagner, and Zach Kieffer are not mentioned in any pleading and have no known connection to the case. Defendant's email mocks Harvey and Keifer in one of his emails (Ex. B), suggesting that Porter's intention is harassment rather than legitimate discovery purposes.

Defendant's intent to depose 16 additional unrelated individuals, including the Mayor and Governor (Ex. B), further demonstrates the subpoenas' irrelevance and bad faith. The Court should quash the subpoenas as irrelevant and harassing.

D. Defendant Failed to Confer and Scheduled Depositions During a Religious Holiday

Defendant's failure to confer with counsel for the June 3, 2025, depositions violates Maryland Rule 2-401(d). The date falls during Shavuot (June 2–4, 2025), when Plaintiff's counsel, Jonathan Gross, an Orthodox Jew, is unavailable due to religious obligations. Scheduling discovery without coordination, especially during a religious holiday, constitutes bad faith.

E. The Subpoenas and Deposition Notice Are Harassing, Overly Burdensome, and Likely to Be Disruptive

Defendant's actions are designed to harass Plaintiff, witnesses, and unrelated parties, imposing undue burden and expense. Defendant's emails (A, B, D, and E) and TikTok posts reveal his true motive which is to generate social media content, not evidence. His history of harassment at Washington County Commissioners' meetings, as set forth in the youtube links provided, give the Court, the Plaintiff, and the witnesses a preview of what to expect at these depositions.[1] These

[1] *See, e.g.,* June 4, 2024 Meeting, https://www.youtube.com/watch?v=u0Raybom6y4 at 16:51; June 11, 2024 Meeting, https://www.youtube.com/watch?v=Gqv1vj1mmK8 at 20:36; June 18, 2024 Meeting, https://www.youtube.com/watch?v=mTp1V8BuiI0 at 19:05; August 6, 2024 Meeting, https://www.youtube.com/watch?v=j3zvRdlesX8 at 29:55; August 27, 2024 Meeting, https://www.youtube.com/watch?v=L1_QlQufM5c at 1:02:58; October 8, 2024 Meeting,

videos show Porter's pattern of vexatious conduct, likely to manifest in depositions, as seen in *Falwell v. Flynt*, 797 F.2d at 1273, where Flynt disrupted a deposition with frivolous testimony.

> In June 1984, Falwell's counsel took Larry Flynt's deposition, which was recorded on video tape. During the deposition Flynt identified himself as Christopher Columbus Cornwallis I.P.Q. Harvey H. Apache Pugh and testified that the parody was written by rock stars Yoko Ono and Billy Idol.

Id.[2]

Defendant's emails, targeting 16 unrelated individuals and mocking witnesses (Ex. B), confirm his harassing intent. The subpoenas and notice impose significant costs, forcing Plaintiff and witnesses to hire counsel. Allowing depositions would escalate expenses (court reporters, transcripts, attorney time), waste time–particularly given Defendant's social media motives–and subject Plaintiff and the witnesses to unnecessary harassment by Porter. *Blum v. Blum*, 59 Md. App. 584, 604 (1984) (quashing oppressive discovery). Porter indicated that he intends to depose Plaintiff for 8 full hours (Ex. A) and depose the witnesses for over 20 hours (Ex. B). It is not difficult to predict that these depositions will be a waste of time and will not yield any relevant testimony or evidence.

F. Defendant's Actions Warrant Attorneys' Fees, Sanctions, and Pre-Approval for Future Discovery

Defendant's actions constitute bad faith and lack substantial justification, warranting sanctions under Maryland Rule 1-341. Bad faith includes "vexatious" conduct for "harassment or unreasonable delay." *Inlet Assocs.*, 324 Md. at 268. Factors demonstrating bad faith include irrelevance, premature timing, and harassing motive. Early sanctions are critical to deter Defendant's abusive tactics. This motion required several hours of attorney work, but depositions

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https://www.youtube.com/watch?v=x0UffqywR1g at 35:47; January 14, 2025 Meeting, https://www.youtube.com/watch?v=52UIDH16OCU&t=8s at 47:08.

[2] *See also* https://www.youtube.com/watch?v=-bi6CycM3mE.

would incur significantly more time and expense (preparation time, travel, court reporters, transcripts, counsel fees) and waste time and resources. *Barnes v. Rosenthal Toyota, Inc*., 126 Md. App. 97, 106 (1999) (sanctions deter harassment). Defendant's pattern of spamming officials and posting on TikTok risks repeated frivolous discovery requests, forcing Plaintiff and witnesses to guess whether each communication requires a response. The Court should require Porter to seek permission before serving future discovery to prevent this cycle of harassment. See *Christian*, 459 Md. at 19 (Rule 1-341 deters abusive litigation).

G. Defendant's Pro Se Status Does Not Excuse Non-Compliance

Defendant's pro se status does not exempt him from Maryland Rules or justify harassment. *Tretick v. Layman*, 95 Md. App. 62, 68 (1993). Porter seeks to use his *pro se* status for his improper litigation strategy. On the one hand, Porter uses his *pro se* status as a sword to prevail by attrition. While 30 hours of depositions is little to no cost to him, he hopes to bleed his opponent with legal fees in the hope that Plaintiff will have to abandon the litigation for lack of funds. On the other hand, Porter uses his *pro se* status as a shield, pleading to the Court when it suits him that he should be given leniency because he's "*pro se* with a 9th grade education." Plaintiff respectfully requests that the Court discourage this cynical tactic by sanctioning Porter early in this litigation to send a message that his antics will not be tolerated. His defective notice and frivolous subpoenas warrant quashing, and he should be sanctioned to deter similar behavior going forward.

H. Expedited Briefing Schedule Is Necessary

The May 20, 2025, deposition date, less than a week away, requires an expedited briefing schedule to resolve this motion promptly. *See* Md. Rule 2-311(b) (expedited proceedings for good cause).

CONCLUSION

For the foregoing reasons, Plaintiff John Barr respectfully requests that this Court:

- Quash the subpoenas served on Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer on May 12, 2025, and the purported deposition notice for John Barr emailed on May 9, 2025, pursuant to Maryland Rules 2-432 and 2-510;
- Quash any other subpoenas that Defendant may have sent or that were buried within his spam emails;
- Issue a protective order under Maryland Rule 2-403 prohibiting Defendant from issuing further discovery until the pending Motion to Dismiss is resolved;
- Award attorneys' fees and sanctions under Maryland Rule 1-341 for Defendant's bad-faith tactics, and require Defendant to seek court permission before serving future discovery requests;
- Order an expedited briefing schedule to resolve this motion before May 20, 2025; and
- Grant such other relief as the Court deems just and proper.

Dated: May 15, 2025

Respectfully submitted,

/s/ Jonathan Gross
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Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2025, a copy of the foregoing Plaintiff's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule was served by MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter who has so registered.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/19/2025 10:02 AM; Submission: 5/19/2025 10:02 AM
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CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)
v.	) Case No.: **C-21-CV-25-000161**
SHAUN PORTER Defendant.	)

PLAINTIFF'S EMERGENCY MOTION FOR RELIEF TO GRANT MOTIONS FILED ON MAY 15, 2025, INCLUDING QUASHING DEFENDANT'S NOTICE OF DEPOSITION SCHEDULED FOR MAY 20, 2025, AND FOR ATTORNEYS' FEES

Plaintiff John Barr, by and through his undersigned counsel, respectfully moves this Court, pursuant to Maryland Rules 2-311(b), 2-432(b), 2-403(a), and 1-341, for emergency relief to grant the motions filed on May 15, 2025, including quashing the Defendant's defective and bad-faith notice of deposition scheduled for May 20, 2025, at an unspecified location, and to award attorneys' fees and sanctions. This emergency motion is necessitated by Defendant Shaun Porter's ongoing harassing, threatening, and erratic communications, including multiple emails sent since May 14, 2025, which demonstrate his intent to proceed with a bad-faith deposition despite the pending Motion to Quash and his failure to respond to it. Immediate relief is critical to provide certainty as to Plaintiff's obligation to attend the deposition, scheduled to conflict with a Washington County Commissioners' meeting on May 20, 2025, at 8:00 a.m., and to prevent further harassment.

FACTUAL BACKGROUND

On March 31, 2025, Plaintiff filed a Complaint against Defendant, alleging defamation, intentional infliction of emotional distress, and invasion of privacy based on Porter's publication of a false and defamatory sign and doxing of Plaintiff's cellphone number (Dkt. 3/31/25, "Compl."). On May 9, 2025, Defendant filed a Motion to Dismiss (Dkt. 5/9/25, "Motion"), which remains pending and could render discovery moot. On May 15, 2025, Plaintiff filed a

Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, seeking to quash subpoenas for four witnesses and a defective deposition notice for Plaintiff scheduled for May 20, 2025, at an unspecified "run down hotel" (Dkt. 5/15/25; Ex. A). The Motion to Quash detailed the notice's procedural deficiencies, irrelevance, bad-faith motive, and harassing nature, supported by exhibits including Defendant's emails and TikTok posts (Dkt. 5/15/25, Exs. A-D).

Since May 14, 2025, when Plaintiff became aware of the deposition notice, Defendant has sent at least nine harassing and erratic emails relevant to this litigation, none of which respond to the Motion to Quash but instead escalate his bad-faith tactics (Exs. B, J, K, L, M, N). These emails, combined with earlier communications in April 2025, demonstrate Defendant's intent to harass Plaintiff, his counsel, and unrelated parties, and to misuse the discovery process for publicity and intimidation. Key examples include:

May 14, 2025 (Ex. B): Defendant emailed Plaintiff's counsel and others, listing depositions for Plaintiff and four witnesses, bragging about a TikTok video with "666,000 views" for "proof of service," and threatening to seek a "body attachment" or motion to compel if parties do not appear. The email mocks witnesses (e.g., "LT GRIMM aka bald Brad pitt") and references irrelevant individuals like "Governor Moore," evidencing bad faith.

May 17, 2025 (Ex. K): Defendant emailed Plaintiff, his counsel, and others with a vulgar subject line ("Re: Re: 'Fistfucking' your bowtie bitch mouth...just one of them Johnny boy"), further demonstrating his harassing intent.

May 18, 2025 (Ex. L): Defendant inquired about rescheduling Plaintiff's "7 hr Depo," insisting it proceed on May 20, 2025, despite the pending Motion to Quash and without conferring, as required by Maryland Rule 2-401(d).

May 18, 2025 (Ex. N): Defendant emailed Plaintiff's counsel, threatening to hold Plaintiff liable for deposition costs if he does not attend the May 20, 2025, deposition, stating, "You realize I am paying for this and if you guys no show, your client will be responsible?" Defendant falsely claims Plaintiff published a statement refusing to attend, accuses counsel of "malicious prosecution," and promises "the most extensive discovery in the history of the county."

May 18, 2025 (Ex. M): Defendant emailed counsel and others, announcing that the defamatory sign is now a "float for Sharpsburg," further publicizing his harassing conduct.

April 2025 Emails (Ex. J): Defendant sent emails with vulgar attachments (e.g., "IM NOT A GYNACOLOGIST. BUT I KNOW A CUNT WHEN I SEE ONE!!") and images of the defamatory sign, captioned "JOHN BARR EXTORTION - WILL NOT TAKE SIGN DOWN," showing a pattern of harassment predating the deposition notice.

Additionally, Defendant has threatened to report Plaintiff's counsel, Sarah Spitalnick and Jonathan Gross, to the Attorney Grievance Commission (AGC) if they do not drop the lawsuit, as implied in his May 18, 2025, email accusing counsel of "malicious prosecution" (Ex. N). These nine emails since May 14, 2025, are part of a broader pattern of almost daily spam emails sent to Plaintiff, counsel, county officials, and unrelated parties, making it impossible to discern legitimate discovery requests (Dkt. 5/15/25 at 2, 4).

Moreover, Defendant scheduled Plaintiff's deposition for May 20, 2025, at 8:00 a.m., knowing it conflicts with a Washington County Commissioners' meeting that Plaintiff, a county commissioner, is required to attend. Similarly, the June 3, 2025, depositions for four witnesses coincide with another Commissioners' meeting, suggesting intentional interference with Plaintiff's and witnesses' official duties. Defendant failed to meet and confer before scheduling these depositions, violating Maryland Rule 2-401(d), and the June 3 date falls during the Jewish

holiday of Shavuot, when Plaintiff's counsel, Jonathan Gross, is unavailable (Dkt. 5/15/25 at 3). These scheduling choices, combined with Defendant's vulgar and threatening emails, confirm the depositions are designed to harass, not to pursue legitimate discovery.

Defendant's insistence on proceeding with the May 20, 2025, deposition, despite the pending Motion to Quash and his failure to respond to it, creates uncertainty for Plaintiff, who risks sanctions or costs if he attends a defective and bad-faith deposition or fails to appear. The deposition's unspecified location and Defendant's threats to impose costs (Ex. N) exacerbate this uncertainty. Immediate relief is necessary to resolve this issue before May 20, 2025, to protect Plaintiff from harassment and unnecessary expense, particularly given his obligation to attend the Commissioners' meeting.

LEGAL STANDARD

Authority for Emergency Relief

Maryland Rule 2-311(b) permits courts to expedite proceedings for good cause, including setting an expedited briefing schedule or granting immediate relief when time constraints demand it. See Md. Rule 2-311(b); see also *Falik v. Hornage*, 413 Md. 163, 182 (2010) (courts may act promptly to prevent unnecessary burden). The imminent May 20, 2025, deposition date, less than two days away, constitutes good cause for emergency relief to provide certainty and prevent harassment.

Quashing Defective and Harassing Discovery

Maryland Rule 2-432(b) allows a party to move to quash a deposition notice that is unreasonable, oppressive, or non-compliant with the Maryland Rules. Discovery may be quashed if it is irrelevant, unduly burdensome, or issued for improper purposes, such as harassment. *Bond v. Slavin*, 157 Md. App. 340, 351 (2004). Maryland Rule 2-412 requires deposition notices to

provide reasonable notice, specify the time and place, and be properly served. A court may issue a protective order under Maryland Rule 2-403(a) to prevent "annoyance, embarrassment, oppression, or undue burden or expense."

Sanctions for Bad-Faith Conduct

Maryland Rule 1-341 authorizes attorneys' fees and sanctions when a party pursues discovery in bad faith or without substantial justification, including for harassment or unreasonable delay. *Inlet Assocs. v. Harrison Inn Inlet, Inc*., 324 Md. 254, 268 (1991). Sanctions deter abusive discovery practices and ensure efficient litigation. *Christian v. Maternal-Fetal Medicine Assocs. of Md., LLC*, 459 Md. 1, 19 (2018).

ARGUMENT

The Court should grant this emergency motion and the relief requested in the May 15, 2025, Motion to Quash for the following reasons, each independently sufficient. Immediate action is necessary to resolve the uncertainty surrounding the May 20, 2025, deposition and to protect Plaintiff from Defendant's ongoing harassment.

A. The Deposition Notice Is Defective and Harassing, Warranting Immediate Quashing

As detailed in the Motion to Quash (Dkt. 5/15/25 at 6-7), the May 9, 2025, deposition notice for Plaintiff is procedurally defective and harassing, failing to comply with Maryland Rule 2-412. It lacks a proper caption, does not name Plaintiff as the deponent, specifies an vague "run down hotel" without an address, and was sent to an incorrect email address for Plaintiff's counsel (Ex. A to Motion to Quash). Defendant failed to confer with counsel, violating Maryland Rule 2-401(d), and sent the notice concurrently with his Motion to Dismiss, rendering it premature (Dkt. 5/15/25 at 6). Defendant's subsequent emails, particularly his May 18, 2025, insistence on a "7 hr Depo" (Ex. L) and threat to impose costs (Ex. N), confirm his intent to harass Plaintiff,

especially by scheduling the deposition to conflict with a Commissioners' meeting on May 20, 2025. These actions mirror the disruptive tactics in Falwell v. Flynt, 797 F.2d 1270, 1273 (4th Cir. 1986), warranting immediate quashing of the notice.

B. Defendant's Erratic and Threatening Emails Demonstrate Bad Faith

Defendant's nine emails since May 14, 2025 (Exs. B, J, K, L, M, N), and earlier April 2025 emails (Ex. J), are vulgar, threatening, and irrelevant to legitimate discovery. These emails include threats to seek deposition costs (Ex. N), report Plaintiff's counsel to the AGC (Ex. N), and pursue "the most extensive discovery in the history of the county" (Ex. N), as well as vulgar language (Ex. K) and images of the defamatory sign (Ex. J). Defendant's failure to respond to the Motion to Quash while escalating his threats underscores his bad-faith motive to harass Plaintiff and generate social media content, as evidenced by his TikTok post with "666,000 views" (Ex. B). The volume and nature of these emails make it impossible for Plaintiff to discern legitimate discovery requests, imposing an undue burden (Dkt. 5/15/25 at 4).

C. The Deposition's Scheduling Conflicts and Lack of Conferral Confirm Bad Faith

Defendant's scheduling of the May 20, 2025, deposition at 8:00 a.m., when Plaintiff must attend a Washington County Commissioners' meeting, and the June 3, 2025, depositions during another meeting and the Jewish holiday of Shavuot, demonstrates intentional interference with Plaintiff's and counsel's obligations (Dkt. 5/15/25 at 3). Defendant's failure to meet and confer, as required by Maryland Rule 2-401(d), further evidences bad faith. These scheduling choices, combined with Defendant's threatening emails, warrant immediate relief to prevent oppressive discovery. See Blum v. Blum, 59 Md. App. 584, 604 (1984).

D. Emergency Relief Is Necessary to Provide Certainty and Prevent Harm

The imminent May 20, 2025, deposition date, less than two days away, creates urgent need for relief to clarify Plaintiff's obligations and prevent harassment. Defendant's threat to impose costs if Plaintiff does not attend (Ex. N) and the unspecified deposition location exacerbate this uncertainty. Maryland Rule 2-311(b) authorizes expedited relief for good cause, and the risk of unnecessary expense, harassment, and disruption of Plaintiff's official duties constitutes such cause. See Falik, 413 Md. at 182. Granting the Motion to Quash immediately will protect Plaintiff and conserve judicial resources.

E. Attorneys' Fees and Sanctions Are Warranted

Defendant's bad-faith conduct, including his harassing emails, premature and defective discovery, and threats against Plaintiff and counsel, justifies attorneys' fees and sanctions under Maryland Rule 1-341. See Inlet Assocs., 324 Md. at 268. This motion and the Motion to Quash required significant attorney time, and allowing the deposition to proceed would impose further costs (e.g., court reporters, transcripts). Sanctions are necessary to deter Defendant's abusive tactics, particularly given his pro se status, which does not excuse non-compliance. Tretick v. Layman, 95 Md. App. 62, 68 (1993).

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court:

- Grant this Emergency Motion for Relief pursuant to Maryland Rule 2-311(b);
- Grant the Motions filed on May 15, 2025, including:
    - Quashing the deposition notice for John Barr scheduled for May 20, 2025, pursuant to Maryland Rules 2-432(b) and 2-412;

- Quashing the subpoenas served on Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer on May 12, 2025, and any other subpoenas buried in Defendant's emails;
- Issuing a protective order under Maryland Rule 2-403(a) prohibiting Defendant from issuing further discovery until the Motion to Dismiss is resolved;
- Awarding attorneys' fees and sanctions under Maryland Rule 1-341 for Defendant's bad-faith tactics, and requiring Defendant to seek court permission for future discovery;

- Provide immediate relief before May 20, 2025, to clarify Plaintiff's obligations and prevent harassment; and
- Grant such other relief as the Court deems just and proper.

Dated: May 18, 2025

/s/ Jonathan Gross
Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com
Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2025, a copy of the foregoing Plaintiff's Emergency Motion for Relief was served by MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter who has so registered.

/s/ Sarah Spitalnick

Exhibit A
E-FILED; Washington Circuit Court
Docket: 5/19/2025 10:02 AM; Submission: 5/19/2025 10:02 AM
Envelope: 21249966

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Deposition - not asking for docs at deposition

1 message

Shaun Porter <shaunporter@usa.com> Wed, May 14, 2025 at 8:38 AM
To: jonathangross@gmail.com, sarahspitalnickesq@gmail.com, jbarr@washco-md.net

I just need John Barr no documents.
Just to clarify.

--
Sent with mail.com Mail app

Exhibit B

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Depositions of Colonel Derek Harvey, John Barr, Jeff Cline, Zachary Kieffer, Randy Wagner

Shaun Porter <shaunporter@usa.com> Wed, May 14, 2025 at 9:55 AM
To: "ContactCommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, "sarahspitalnickesqgmail.com" <sarahspitalnickesq@gmail.com>, "jonathangrossgmail.com" <jonathangross@gmail.com>, Kevin Karpinski <kevin@bkcklaw.com>, kevin.tucker@mdcourts.gov, Krystal Kelly <kkelly@bkcklaw.com>

Video and Audio recorded depositions of:

John Barr
Jeff Cline
Derek Harvey
Randy Wagner

County Attorney Zach Kieffer

The court knows you guys are under subpoena or have been served notice persuant Md. Rule 2-412.

I have not heard from John Barr or his attorneys regarding his May 20th Deposition date.

I have not heard from anyone else who was served.

Pursuant Maryland rules I will seek a body attachment for anyone who does not show up for their deposition or in John's case a motion to compel.

This costs a significant amount of money, which the court may make you liable for re-imbursing, should you no show. (Jeff)

Please feel free to (email only)contact me in regards to the June 20th date. John Barr needs to go through his attorneys.

I put all parties and attorneys on this email so playing dumb will not work as an excuse not to appear.

Here is video proof of service. So far in 36 hours 666,000 people watched it on Tik Tok alone, let alone X, Facebook, Twitch, Rumble, Instagram and many others as my posts are reposted by dozens of other similarly interested citizens. A lot of people care about government corruption.

https://www.tiktok.com/t/ZP86xBJhV/

I have seen no motions regarding the notice to John or Subpoenas.

Certificate Regarding Discovery.pdf
391K

Exhibit C

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

WASHCO BOCC COMPLAINT - PORTER - COMPLETE - All videos - most docs

1 message

Shaun Porter <shaunporter@usa.com> Wed, May 14, 2025 at 10:23 PM
To: "OpenGov opengovoag.state.md.us" <opengov@oag.state.md.us>
Cc: "ContactCommissionerswashco-md.net" <ContactCommissioners@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, "boardfcps.org" <board@fcps.org>, "steven.blivessfcps.org" <steven.blivess@fcps.org>, "boewcps.k12.md.us" <boe@wcps.k12.md.us>, "townofsharpsburgcomcast.net" <townofsharpsburg@comcast.net>, "townhallkeedysvillemd.com" <townhall@keedysvillemd.com>, Town Manager <townmanager@townofboonsboro.com>, "townplannertownofboonsboro.com" <townplanner@townofboonsboro.com>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, "abrightwashco-md.net" <abright@washco-md.net>, DELETER IN CHIEF <blevey@washco-md.net>, GUY WHO DOESNT RETURN CALLS <bkalbert@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, "kevin.tuckermdcourts.gov" <kevin.tucker@mdcourts.gov>, Kelly Fisher <kfisher@washco-md.net>, "MR. CLEAN" <mpalladi@washco-md.net>, "plazichwashco-md.net" <plazich@washco-md.net>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, Wes Decker <wdecker@hagerstownmd.org>, "Dockbarsgmail.com" <Dockbars@gmail.com>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, BB the Bat <bbthebat13@gmail.com>, "kbucklerradiofreehubcity.com" <kbuckler@radiofreehubcity.com>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, Ed Kuczynski <ed.kuczlaw@gmail.com>, Eric Beasley <sparticus33w@gmail.com>, Heather Fletcher <fletcherforboe@yahoo.com>, The City of Frederick Public Records Request Center <cityoffrederickmd@govqa.us>, "hresetarwashco-md.net" <hresetar@washco-md.net>, "jonathangrossgmail.com" <jonathangross@gmail.com>, "jgreenegannett.com" <jgreene@gannett.com>, "legaldptcityoffrederickmd.gov" <legaldpt@cityoffrederickmd.gov>, "ltichnellgarrettcountymd.gov" <ltichnell@garrettcountymd.gov>, "PIA.Ombuds" <pia.ombuds@oag.state.md.us>, "prwashco-md.net" <pr@washco-md.net>, Curtis Reigh <cwreigh@gmail.com>, Carrie Robison <carrie.robison@thefire.org>, "sarahspitalnickesqgmail.com" <sarahspitalnickesq@gmail.com>, "Troopermarinegmail.com" <Troopermarine@gmail.com>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>

I want to appear in person to speak in front of the board and redress grievances in front of my fellow citizens and be broadcasted on all their social media to thousands. Instead they tell me to send an email. That's not the same. AT ALL. John Barr will do anything to stop me. He has lost his re-election chances. To give you an idea...I had 3,000,000 views in the last 36 hours on Shaun Porter News Tik Tok. ALL ABOUT JOHN BARR GETTING MOONED, ZACH KIEFFER BEING SERVED SUBPOENAS FOR DEPOSITIONS, AND ME BEING THROWN OUT BY JOHN BARR.

Everyone is laughing at the entire county upper management and after some email exchanges with the White House it looks like Commissioner Derek Harvey isn't going to get his job with the Trump administration like he wanted. BEcause of his perjury under oath at the same 3/28 peace order hearing.

Here is the first meeting 5/13

9am

https://youtu.be/Szx9fm7BQKQ?si=h9e5dOJWf3T3kzBB

They clear the room. The police will not enforce the trespass because its illegal, so instead they just go into recess every time.I attempt to attend an open meeting.

Meeting two 6pm

Next we have the Department of Budget and finance. That is in fact NOT A COMMISSIONERS MEETING AS ARTICULATED IN THE UNLAWFUL TRESPASS THAT DOESN'T EVEN HAVE AN ADDRESS AS TO WHERE I AM TRESPASSED.

This meeting was held in a fire hall.

It was advertised and I was invited to a Department of Budget and Finance. The day of..AFTER I EMAILED THEM I WAS GOING THEY CHANGED THE IMAGE TO SHOW THE COMMISSIONERS IN A PICTURE.

The video is attached below along with the advertisement for the meeting. The fake trespass is also enclosed.

Trespass is with no lawful purpose. FIRST AMENDMENT AND FOURTEENTH AMENDMENT Have been stripped from me in violation of my 5th and 14th Amendments.

Exhibit C

The Judge in the three fake peace orders laughed at the thought that a man bending over in a pink thong bikini constituted a threat. They have no dress code banning bikinis because that would be a 1A violation.
They never voted on their rules of decorum. John Barr just said ..these are the rules. He is a retard. I will now prove that statement with his sworn testimony

https://www.facebook.com/share/v/1BguTJSVY4/

The Judge ruled there was no threat, no danger, and that the government..as we all know can't be harassed or the victim of having it's peace disturbed. Basic crimlaw. The clerk Dawn Markus testified that I was allowed to Moon and that it was first amendment protected which we all know. GOOGLE "MOONING LEGAL IN MARYLAND" and read the words of Judge Debilious. (FCPS and Frederick COunty Council welcome my mooning in writing aknowledging it's my three minutes ..use it how I like. John Barr is a tyrant and a bow tie Nazi)

https://www.facebook.com/share/v/1RMJ1UvPez/
Listen to the clerk tell me I am clear to moon on 3/28 and then 4 days later Zach Kieffer says because I read Cohen v. California into the record and bent over showing my bikini butt to John Barr, I somehow lost all my rights.

John Barr and the county looked like fools having two attorneys loose to me...a fucking moron. It made the front page of The Herald Mail.

Here is video of loser John Barr and loser attorney (until disbarred) Zach Kieffer doing walk of shame out of court house getting made fun offf followed by me, my girl and the Herald Mail.

https://www.facebook.com/share/v/12LRD174zmK/

The next business day John Barr sued me for $10,000,000 with a SLAPP suit for a political yard sign he didn't like with Hustler Magazine, Inc. v. Falwell satire Campari add that every lawyer learns about in law school. Barr argues he isn't a public figure and the story about him fucking his Mom in an outhouse is totally believable.....Uh ok... This was to stop me from attending open public meetings and mooning him...how do I know? He told Heather Vickers on April 11th that he lost the peace orders but he was having me served a lawsuit and that should stop me. This is a fan of mine. She emailed him fucking with him agreeing that I must be stopped. Like the old fool he is ..he emailed her a number he claims is private (sued for invasion of privacy in regards too) see attached email. She called him and he revealed the lawsuit and peace orders were just to make me go away. (opposite happened) Please see video of me mooning him pulling into his parking spot.

https://www.tiktok.com/@shaun.porter.news/video/7503775177507982622?is_from_webapp=1&sender_device=pc&web_id=7504358474073277983

The Judge ruled nothing I did at any prior meeting was illegal or a threat or I posed any danger.

RES JUDICATA this video was ruled completely legal and recieved 1.4 million or so views since I reposted it last night after John pissed me off last night at the six pm meeting. Everytime I repost new people learn how much I dislike John Barr. Thats what the Constitution protects.

https://www.tiktok.com/@shaun.porter.news/video/7503760854786002207?is_from_webapp=1&sender_device=pc&web_id=7504358474073277983

They issued a no trespass at the first fucking meeting after the Judge laughed them out of court for trying to get a 6 month ban. What did these fuckers do? They claimed the mooning the clerk testified was first amendment protected and allowed as well as quoting case law caused me to loose my rights to Free Speech AT public meetings. Claiming that during my own three minutes I disrupted the public meeting. Here is the video of me within my three minutes doing nothing illegal and not even violating their fake un ratifed overly broad, vague and capricious rules.

https://www.facebook.com/share/v/1CTYw3jSxe/

I am quoting justice Harlan for Christ's sake. Everyone in the audience was expecting me to show my bikini but which is legal. I can wear a bikini to a meeting. It's the viewpoint of bending over in a sign of dissapproval of the government. Specifically John Barr.

I had 18 seconds left of my three minutes.

Here is the $10,000,000 Supreme Court protected PArody sign.

https://www.facebook.com/share/v/15TLNPHbNS/

Here is dirt being exposed in a quick video about Kid Killer Jeff Cline who killed a kid and a short interview with a friend of the victim.

https://www.facebook.com/share/v/1AKQt6f9tm/

JOHN BARR RULES WITH AN IRON FIST OF TYRANNY AND LATENT BOW TIE BASED HOMOSEXUALITY.

JEFF CLINE AND JOHN BARR SHOULD BE IN JAIL.

MY CIRCULATION IN THE LAST 36 HOURS OR SO IS 50 TIMES HIGHER THAN THE LOCAL PAPER OF RECORD , THE HERALD MAIL WITH A 60,000 PERSON PER DAY VIEWERSHIP. No amount of John Barr advertising can overcome what he has gotten so far and what he will get in the next 10 months when I really ramp it up.

---

4 attachments

1000072946.jpg
368K

1000072947.jpg
613K

77862316-273e-4eb9-95a6-b8540a91bd18.mp4
14257K

SKM_C451i25040915410 (2).pdf
81K

Exhibit D

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Good Faith Email Re: Fraud of Politician Barr's $10 Million Slapp Lawsuit - Suing A Voter Over Yard Sign!!

1 message

Shaun Porter <shaunporter@usa.com> Thu, May 15, 2025 at 10:36 AM
To: "sarahspitalnickesqgmail.com" <sarahspitalnickesq@gmail.com>, "jonathangrossgmail.com" <jonathangross@gmail.com>, "ContactCommissionerswashco-md.net" <ContactCommissioners@washco-md.net>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, "abrightwashco-md.net" <abright@washco-md.net>, "boewcps.k12.md.us" <boe@wcps.k12.md.us>, GUY WHO DOESNT RETURN CALLS <bkalbert@washco-md.net>, "boardfcps.org" <board@fcps.org>, DELETER IN CHIEF <blevey@washco-md.net>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Kevin Karpinski <kevin@bkcklaw.com>, "kevin.tuckermdcourts.gov" <kevin.tucker@mdcourts.gov>, "saowashco-md.net" <sao@washco-md.net>, BB the Bat <bbthebat13@gmail.com>, "kbucklerradiofreehubcity.com" <kbuckler@radiofreehubcity.com>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, "aweisswashco-md.net" <aweiss@washco-md.net>, "airbornerepublicangmail.com" <airbornerepublican@gmail.com>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, "Dockbarsgmail.com" <Dockbars@gmail.com>, Wes Decker <wdecker@hagerstownmd.org>, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, "OpenGov opengovoag.state.md.us" <opengov@oag.state.md.us>, "PIA.Ombuds" <pia.ombuds@oag.state.md.us>, The City of Frederick Public Records Request Center <cityoffrederickmd@govqa.us>, "townofsharpsburgcomcast.net" <townofsharpsburg@comcast.net>, "townhallkeedysvillemd.com" <townhall@keedysvillemd.com>, Town Manager <townmanager@townofboonsboro.com>, "townplannertownofboonsboro.com" <townplanner@townofboonsboro.com>, Ed Kuczynski <ed.kuczlaw@gmail.com>, Eric Beasley <sparticus33w@gmail.com>, Kelly Fisher <kfisher@washco-md.net>, "mfrycityoffrederickmd.gov" <mfry@cityoffrederickmd.gov>, "plazichwashco-md.net" <plazich@washco-md.net>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, "levitrumbullyahoo.com" <levitrumbull@yahoo.com>, Lisa Riner <lriner@keedysvillemd.com>, "MR. CLEAN" <mpalladi@washco-md.net>, Rachel Nessen <rdepo@cityoffrederickmd.gov>, "newsdcnewsnow.com" <news@dcnewsnow.com>, "parksandrechagerstownmd.org" <parksandrec@hagerstownmd.org>, "pedwardsgarrettcountymd.gov" <pedwards@garrettcountymd.gov>, "RammIliwcps.k12.md.us" <rammili@wcps.k12.md.us>, Curtis Reigh <cwreigh@gmail.com>, Carrie Robison <carrie.robison@thefire.org>, Sheriff-PIA <sheriffpia@washco-md.net>, "Troopermarinegmail.com" <Troopermarine@gmail.com>, "billmac2269gmail.com" <billmac2269@gmail.com>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, "Andrew B. Sheets" <andrewbsheets@yahoo.com>, "jgreenegannett.com" <jgreene@gannett.com>, ryan@aminerdetail.com

Attorney Sarah & John,

I read this in Opp p. 20

"As a proper hearing cannot be held at this time because Barr has not had an opportunity to gather his own evidence through discovery, a hearing at this stage would not be appropriate and would be a waste of the Court's and the parties' resources."

I knew when I filed this motion, John Barr could never bring forth sufficient evidence persuant to Md. rule 2-501(b) as he must. (Because the complaint is a joke and it's full of lies, which is why I challenge John to do so)

Your suggestion that the court excersise it's discretion persuant Md. Rule 2-501(d) is frivolous, for example a proper 2-501(d) affadavitt would partivcularly describe the type of discovery John Barr thinks I have. See attatched memorandum at pages 47-48. (the discovery in this RICO case will overlap with the discovery in this case. (see section on Shaun Porter)) cf attached memorandum in general for other reasons. Discovery in the hands of your client apparently will implicate your client in the RICO action. Is that why he is scared to be deposed?

Please be prepared to explain these things that he needs to discover when I depose him on 5/20/25. I think you are lying to the court. Because I cant even imagine what facts I have that John doesn't already have knowledge of.

Certainly this issue brings to light my slapp allegations. In case John evade's the deposition, he should be expecting my subpoena to appear at the SLAPP hearing, that this Honorable court **SHALL** hold.

9th Grade Educated pro se Defendant,

Shaun Porter

Exhibit D

2 attachments

2025.05.14 Memorandum on MPIA Obstruction.pages.pdf
566K

Barr's Insane response.pdf
265K

Exhibit E

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

HEATHER FLETCHERS ILLEGAL TRESPASS RESCINDED

Shaun Porter <shaunporter@usa.com> Thu, May 15, 2025 at 12:48 PM
To: contactcommissioners@washco-md.net, councilmembers@frederickcountymd.gov, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, zkieffer@washco-md.net, aweiss@washco-md.net, Kevin Karpinski <kevin@bkcklaw.com>, kevin.tucker@mdcourts.gov, sao@washco-md.net, cjenkins@frederickcountymd.gov, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, abright@washco-md.net, DELETER IN CHIEF <blevey@washco-md.net>, jmccauley@washco-md.net, boe@wcps.k12.md.us, board@fcps.org, steven.blivess@fcps.org, plazich@washco-md.net, "MR. CLEAN" <mpalladi@washco-md.net>, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, Justin Holder <jholder2004@gmail.com>, sarahspitalnickesq@gmail.com, jonathangross@gmail.com, Cunt LAWYER Hates 1A <jordanc@fcpsk12.net>, Curtis Reigh <cwreigh@gmail.com>, troopermarine@gmail.com, airbornerepublican@gmail.com

See attachments.

Heather was illegally trespassed for sitting in a school board member seat and identifying as a school board member. BEFORE MEETING STARTED.

SHE WAS ILLEGALLY REMOVED.

MILLIONS WATCHED OUR POSTS.

SHERIFF JENKINS MADE SURE SHE KNEW IT WAS NOT LEGAL AND RESCINDED EVEN THE IDEA OF BEING TRESPASSED FEOM PUBLIC PROPERTY AND ATTENDING PUBLIC MEETINGS.

THEY TRIED TO BARR (PUNN INTENDED) A WOMAN WHO WAS RUNNING AGAINST THEM IN THE NEXT ELECTIOM AMD HAD RUN IN PRIOR ELECTION.

COMMIE STATIST PIGS!!!!!!

RE ELECT CHUCK!!!!

--
Sent with mail.com Mail app

2 attachments

1000073523.jpg
588K

Exhibit E

1000073524.jpg
582K

Exhibit F

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

3 DAY RATINGS DESTROY WASHINGTON COUNTY CORRUPT POLITICIANS

1 message

Shaun Porter <shaunporter@usa.com> Fri, May 16, 2025 at 8:58 AM
To: contactcommissioners@washco-md.net, councilmembers@frederickcountymd.gov, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, abright@washco-md.net, DELETER IN CHIEF <blevey@washco-md.net>, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, Justin Holder <jholder2004@gmail.com>, boe@wcps.k12.md.us, board@fcps.org, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, zkieffer@washco-md.net, aweiss@washco-md.net, airbornerepublican@gmail.com, troopermarine@gmail.com, plazich@washco-md.net, jmccauley@washco-md.net, bblack@frederickcountymd.gov, kbuckler@radiofreehubcity.com, ryan@aminerdetail.com, jgreene@gannett.com, sarahspitalnickesq@gmail.com, jonathangross@gmail.com, Eric Beasley <sparticus33w@gmail.com>, Kevin Karpinski <kevin@bkcklaw.com>, Ed Kuczynski <ed.kuczlaw@gmail.com>, townofsharpsburg@comcast.net, Town Manager <townmanager@townofboonsboro.com>, townhall@keedysvillemd.com, townplanner@townofboonsboro.com

So this is why you never pick a fight with a man who buys ink by the barrel.

John Barr #1 with 2 million views getting mooned in just three full days.

https://www.tiktok.com/t/ZP86VtbqH/

Zach gettibg served with new cop gets 1.1 million views

https://www.tiktok.com/t/ZP86VtbqH/

Jeff Cline Making fool of himself throwing me out and then a veteran during recess.

386,000 views

https://www.tiktok.com/t/ZP86qR2mg/

Lowest rated is friend of kid Jeff Cline killed crying over her dead friend cause Jeff killed him. Under 3,000 views.

https://www.tiktok.com/t/ZP86Vvdfo/

Like 1 million more views scattered across a hundred videos on 3 other platforms same time period. I made sure they are all tagged by location so it shows locals first.

WHOEVER IS RUNNING YOUR PR IS AN IDIOT FOR LETTING JEFF TALK.

THIS IS 3 DAYS WITHOUT ME TRYING. JUSTIN WILL BE PAYING TIK TOK AND FACEBOOK PROMOTE. ITS $50 BUCKS TO SUGGEST A VIDEO TO EVERY USER IN WASHINGTON COUNTY. I get paid zero dollars. I do it because you people are scum and everyone needs to know before the mid terms.

AREN'T YOU GUYS GLAD YOU VICTIMIZED MY SON AND THEN TRIED TO SILENCE ME....

ILL SEE YOU IN COURT AT 1:30 WASHCO GOVT DEFENDANTS.

Exhibit G

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

AGC COMPLAINT - CONFLICT

Shaun Porter <shaunporter@usa.com> Fri, May 16, 2025 at 11:29 AM
To: sarahspitalnickesq@gmail.com

--
Sent with mail.com Mail app

On 5/16/25, 11:08 AM Shaun Porter <shaunporter@usa.com> wrote:

> Sarah Spitalnick has been paid thousands of dollars to write unconstitutional rules of decorum.
>
> Then SARAH was paid by the county to sue a taxpayer to silence his participation in public meetings with that tax payers own tax money. SLAPP on behalf of elected official John Barr.
>
> SARAH is getting paid by the county to defend unconstitutional rules of decorum in a lawsuit I filed against Washington County.
>
> I believe the Judge and the AGC would have a problem with a county funded lawyer suing on behalf of an elected politician with tax payer dollars.
>
> The county illegally witheld the records requests for her invoices and chexks to her.
>
> Kevin Karpinsky AND Zach Kieffer aided in covering up this conflict and now appears to be in conspiracy with John Barr and Sarah Spitalnick.
>
> John Barr must pay his own bills!!!
>
> Recuse yourself today in writing or I will take action Monday.
>
> Shaun Porter, Pro se
>
> --
> Sent with mail.com Mail app

Exhibit H

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

C-21-Cv-25-180 - Opposition and Exhibits

Justin Holder <jholder2004@gmail.com> Thu, May 15, 2025 at 10:56 PM
To: sarahspitalnickesq@gmail.com
Cc: Washington Commissioners <commissioners@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Shaun Porter <shaunporter@usa.com>, "Weiss, Aaron" <aweiss@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, jonathangross@gmail.com, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, countyattorneyoffice <countyattorneyoffice@washco-md.net>

Dear Sarah,

MDEC has been funky lately, (ask Carl) so here are the complimentary copies.

Justin

8 attachments

- **25.05.06 -- Porter v WashCo -- MTD final.pdf** 195K
- **Plaintiff Opposition to Motion to Dismiss.pdf** 225K
- **Ex. F.pdf** 58K
- **Ex. G.pdf** 59K
- **Ex. I.pdf** 266K
- **Ex. E.pdf** 694K
- **Ex. J.pdf** 183K
- **Ex. H.pdf** 2770K

Exhibit I

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

JOHN BARR PERJURY -ILLEGAL TRESPASS - ARRESTED FOR ATTENDING OPEN MEETING-

Shaun Porter <shaunporter@usa.com> Sun, Apr 13, 2025 at 12:00 PM
To: "OpenGov opengovoag.state.md.us" <opengov@oag.state.md.us>, jonathangross@gmail.com, sarahspitalnickesq@gmail.com, agcmd@agc.maryland.gov, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, civilrights@oag.state.md.us
Cc: ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "aweisswashco-md.net" <aweiss@washco-md.net>, "ContactCommissionerswashco-md.net" <contactcommissioners@washco-md.net>, GUY WHO DOESNT RETURN CALLS <bkalbert@washco-md.net>, "abrightwashco-md.net" <abright@washco-md.net>, Justin Holder <jholder2004@gmail.com>, Kevin Karpinski <kevin@bkcklaw.com>, kevin.tucker@mdcourts.gov, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Ed Kuczynski <ed.kuczlaw@gmail.com>, townhall@keedysvillemd.com, Town Manager <townmanager@townofboonsboro.com>, townofsharpsburg@comcast.net, townplanner@townofboonsboro.com, sao@washco-md.net, boe@wcps.k12.md.us, board@fcps.org, bblack@frederickcountymd.gov, BB the Bat <bbthebat13@gmail.com>, "Kbuckler <kbuckler@radiofreehubcity.com>" <kbuckler@radiofreehubcity.com>, jgreene@gannett.com, Shara Alpert -DNR- <shara.alpert@maryland.gov>, DELETER IN CHIEF <blevey@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, "wdeckerhagerstownmd.org" <wdecker@hagerstownmd.org>, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, Eric Beasley <sparticus33w@gmail.com>, Andrew Ford <aford@frederickcountymd.gov>, Kelly Fisher <kfisher@washco-md.net>, "jordancfcpsk12.net" <jordanc@fcpsk12.net>, "levitrumbullyahoo.com" <levitrumbull@yahoo.com>, Lisa Riner <lriner@keedysvillemd.com>, "ltichnellgarrettcountymd.gov" <ltichnell@garrettcountymd.gov>, "MR. CLEAN" <mpalladi@washco-md.net>, "plazichwashco-md.net" <plazich@washco-md.net>, Curtis Reigh <cwreigh@gmail.com>, "RammlliwcpS.k12.md.us" <rammili@wcps.k12.md.us>, Carl Zacarias -DNR- <carl.zacarias@maryland.gov>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, "newsdcnewsnow.com" <news@dcnewsnow.com>

I WISH TO FILE EVERY SINGLE COMPLAINT AND CAUSE OF ACTION I MAY HAVE REGARDING THE BELOW EVENTS-

SHAUN PORTER
6583 EDGEWOOD RD
INVESTIGATION)
NEW MARKET, MD 21774
AGAINST RIGHTS

V. WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY SHERIFF'S OFFICE (BRIAN ALBERT

ANY OTHER WILLING PARTICIPANTS IN THIS CONSPIRACY

Office of Attorney General - OMA Rachel Simmonsen - Re: March 20th complaint initiation

Office of Attorney General - Civil Rights Division - Re: John Barr intake

OFFICE of STATE PROSECUTOR - Donald Bradshaw - RE: 2/8/25 Brain Albert & Washington County Corruption Case (hill billies)

(POLITICAL CRIMES INVESTIGATOR DONALD BRADSHAW RE: SHAUN PORTER INTERVIEW 2/8/25 WITH YOU AND PROSECUTOR LADY)

Attorney Grievance Commission - OPEN CASE ZACH KIEFER ADDITIONAL CHARGES

(ADD TO SHAUN PORTER V. ZACH KIEFER OPEN CASE - EXPAND COMPLAINT TO INCLUDE SUBORNATION OF PERJURY AND WIRE FRAUD FOR EMAILING FAKE COMPLETELY ILLEGAL NO TRESPASS FROM MEETING AS OPPOSED TO A PLACE) I WILL EMAIL WHOLE TRIAL WHERIN THE SUBORNATION OF PERJURY OCCURRED. IT'S A DISASTER. HE SHOULDN'T BE ALLOWED TO PRACTICE LAW. ALSO CONFILCT -

COMES NOW; SHAUN PORTER, A 9TH GRADE EDUCATED CITIZEN OF MARYLAND, DOES HEREBY FILE THE FOLLOWING COMPLAINT WITH THE ABOVE STATED THREE GOVERNMENT AGENCIES -

THIS OMNIBUS COMPLAINT COVERS VIOLATIONS OF OMA, MARYLAND CRIMINAL CODE, POLITICAL ETHICS RULES, RULES OF PROFESSIONAL CONDUCT BY ATTORNEYS ,LIMITED TO ZACHARY KIEFER FOR THE TIME

BEING, AS WELL AS ALLEGATIONS OF FELONY STUPID BY INVOLVED COUNSEL

Basically politicians and three lawyers are conducting lawfare against a man with a ninth grade education because of my free speech at public meetings and videos published online thereof, that are ccosting the above stated individuals to be humiliated. They have tried to cut the broadcast so I broad casted it myself, then fraudulent peace orders on behalf of the government which they lost, threat of arrest, a $10,000,000 SLAPP lawsuit to get me to stop criticizing government, an illegal trespass with the threat of arrest. I will provide witnesses and additional material at this point I am no longer willing to let anything slide like previous complaints to you guys. I am ready. it's on. let's go. (ran out of dumb sayings)

Complaint Violation #1 - UNLAWFUL TRESPASS FROM PUBLIC MEETING

The Open Meetings act provides that all citizens are ENTITLED to attend and participate in open meetings. It allows for citizens to be ordered out by the leader of that meeting if the person is being disruptive. Ordered out of AN open meeting, not subsequent meetings in what would constitute an anticipatory breach of decorum. That isn't legal at all. The illegal trespass is designed to silence my free speech for the next six months from the date of the enclosed letter. It bans me from trespassing at meetings not locations. This means when they travel or attend events in groups of 3 or more commissioners while discussing county business I CANT ATTEND!!! SO NO RIBBON CUTTINGS, CHAMBER OF COMMERCE, ROAD DEDICATIONS ETC.... THIS MAKES THE NO TRESPASS COMPLETELY ILLEGAL JUST ON THAT BASIS OF BEING VAGUE AND OVERLY BROAD. THIS FRAUDULENT TRESPASS WAS SIGNED AND SENT BY MAIL OR WIRE BY ATTORNEY ZACH KIEFER, WITH THE EXPRESS INTENT OF FRAUDULENTLY INDUCING ME TO GIVE UP MY CIVIL RIGHTS TO ATTEND PUBLIC MEETINGS. (AGC)

It's an OMA violation as well as a 1st Amendment and 14th amendment violation not to mention it was a total lie, that I disrupted my own 3 minutes of speaking by speaking. I am asking my elected SAO and elected Sheriff if they intend to honor an illegal no trespass issued in bad faith and based on fraud and constitute knowingly and willingly violating the above stated, in a conspiracy against rights.

I intend to show up Tuesday April 15th and if I am arrested, and prosecuted for attending an open PUBLIC MEETING IN A BUILDING I PAY FOR TO REDRESS MY GRIEVANCES WITH MY ELECTED OFFICAILS WHOSE SALARIES I PAY, it will obviously be a huge OMA violation as well as 1st and 14th amendment violation. I WILL BE SEEKING THOSE INDIVIDUALS ALSO BE CHARGED IN ADDITION TO THOSE STATED BELOW.

Complaint Violation #2 - PERJURED PEACE ORDERS - BANNED FROM ATTENDING 3/25/2025 OPEN MEETING

Washington County Board of County Commissioners couldn't get the votes to pass an ordinance with rules of decorum on October 8th 2024. Asst. County Attorney Aaron Weiss testified that dress codes were illegal (1A), that you couldn't legally tell citizens noT to use profanity BECAUSE OF THE FIRST AMENDMENT. Aaron went on to to explain you could maybe put in the ordinance that you have to speak calmly and politely (overly broad and vague = unlawful TPM restriction). Earlier I had given a speech explaining that they would all be considered NAZIS if they were to vote to curtail the words we use complaining to government. John Barr threw me out of that October 8th open meeting for my criticism. The entire board refused to vote except bow tie John Barr. He said he couldn't live with my shirts and speeches containing naughty words because his church was complaining to him.

John Barr cuts camera feed of public meetings to silence my speech so i start publishing videos. John Barr freaks out after more than 100,000 people watched a meeting of me telling him what a coward he was, and mooning him while wearing my favorite hot pink bikini. They have no dress code and its legal to show up in a bikini the whole time if I choose. JOHN BARR THEN ORDERED COUNTY ATTORNEY ZACH KIEFER TO GET A PEACE ORDER ON BEHALF OF THE GOVERNMENT. The government can't have it's peace disturbed , harassed, stalked nor be in fear of attack....it's not a natural person. The $15 an hour clerk corrected Attorney Zach Kiefer's insane lack of legal knowledge and so Zach crossed out the government name and added three different people that would guarantee anywhere the commissioners go, one would be there and I would be forced to stay away from the open meeting. they did this to silence my lawful protests because they are NAZIs., not Republicans. The County employees were all baited into being arguementative, hostile, angry and even attacking of myself while on cross. I pulled John Barr on the stand and got John to say the First Amendment maybe possibly protects criticism of government but definitely not personal attacks of politician's character or insults. Then commissioner Derek Herpes freaked out on the stand and made a ten sentence response to a yes or no question. I ended my defense at that point having clearly proved that nobody had standing, Zach wrote everyone's identical peace order applications, that every witness was angry at me and not afraid, and that there was no evidence or statutory basis for relief. THESE PEOPLE WHOM I NEVER DEALT WITH claimed people would hear me insult John Barr and my free speech would cause a riot because I called John Barr a coward. Two of three petitioners made 2 contradictory statements under oath (perjury). Those audio clips are attached.

I was not able to attend my open meeting in person as is guaranteed me by the open meetings act, 1st amendment and 14th amendment.

Complaint Issue #3 $10,000,000 SLAPP DEFAMATION LAWSUIT OVER POLITICAL SATIRE SIGN BROUGHT TO OPEN MEETING

John Barr was furious after loosing three peace order cases to a man with a 9th grade education and having videos made after the peace order hearing mocking his county Attorney for having his first ever court case, lost to a guy in a hoodie and dirty jeans. The next business day it appears he had his lawyer spend the second half of that Friday 3/28/25 and Monday, throw together possibly the dumbest defamation suit the world has ever seen and file it. I watch case search and my buddy's do as well. This was an intimidation tactic to scare me from attending public meetings and speaking out against John Barr. So I did what any reasonable person would do. I went to the next public meeting and again humiliated John Barr with legal and lawful free speechAND MOONED HIM AGAIN. (will discuss in a minute) The political satire sign I legally brought to an open meeting, and was broadcasted was the Campari Ad from *Hustler Magzine Inc.* v. *Falwell* USC 1988. It is clearly satire. I am including the picture at the bottom. Oh and John claims that the cell phone number for constituent contact that was on a video of him trying to ban free speech was only for personal use. Within 12 hours of filing said frivilous lawsuit John emailed a citizen whom he states in his email he doesn't know the exact same phone number he is claiming is an invasion of rpivacy. Please see screeshot added to this email. John Barr's phone records will prove he also sent the email from that I Phone. John Barr told this woman on a phone call 4/10/25, who will be testifying at an ANTI SLAPP hearing on above stated lawsuit that during this conversation he admitted the only reason he was filing the lawsuit was to stop my attendance at public meetings (Heather Vickers). I was informed at 10:03 am Sunday 4/13/25 on a facebook messenger call of the details of the conversation. This is evidence of bad faith in the initiation thus proving my SLAPP claim against this fucking nazi cunt. **BARR COMPLAINED ENDLESSLY TO HER ABOUT BEING RECORDED LEAVING COURT AFTER LOSING THE PEACE ORDER HEARING WHILE BEING CALLED A LOSER. (NOT DEFAMATION) HE COMPLAINED THAT OTHER PEOPLE ARE NICE TO HIM AND SAY NICE THINGS TO HIM BUT I YELL AT HIM. HE CLAIMED HE WAS DOING THIS LAWSUIT BECAUSE OF VULGAR WORDS AND MOONING HIM. HE GETS ANXIETY FROM THE MOONING,(WHICH OF COURSE IS FIRST AMENDMENT PROTECTED FREE SPEECH) HE CLAIMED THE REASON THEY LOST THE PEACE ORDER WAS "BECAUSE OF THE AMENDMENTS". HE SPOKE EXTENSIVELY OF THE VULGARITY BUT DIDN'T MENTION MY POLITICAL SATIRE SIGN AT ALL. WHICH IS THE SUBJECT OF THE SUIT. BARR SPOKE OF THE SOLAR PANEL FARM FOR MR. EBY IN CEARFOSS. HE SPOKE ABOUT MY HOME AND SPECULATED THAT I WORK ON THE INTERNET. JOHN BARR TOLD THIS WITNESS THAT HE WAS UPSET ABOUT THE VULGARITY OF MY SPEECH, OVER AND OVER AGAIN AS IF IT WERE ILLEGAL. HE EXPLAINED THAT HIS SON HAD TAKEN OVER HIS ELECTRICAL BUSINESS. JOHN BARR CLAIMED HE DOESN'T KNOW WHY I AM PROTESTING HIM. " WE DIDN'T GET THE PEACE ORDER, SO I FILED A TEN MILLION DOLLAR LAWSUIT AGAINST HIM AND PORTER SHOULD BE SERVED TOMORROW 4/11/25".**

THIS LAWSUIT IS TO STOP ME FROM ATTENDING PUBLIC MEETINGS. I WILL PROVIDE TRANSCRIPTS FROM THE ANTI SLAPP HEARING TO FURTHER SUPPORT MY ALLEGATIONS AFTER BARR INEVITABLY COMMITS PERJURY ON THE STAND.

SUBORNATION OF PERJURY BY ATTORNEYS WILL LIKELY BE PROVEN OR HE LIED TO THEM BOTH

Complaint Issue #4 Illegal Removal From An Open Meeting

Notification of Intent to Moon and Say Fuck Emailed To John Barr & Zach Kiefer 4/6/25

I went to open Meeting 3/8/25. John Barr, unable to pass an ordinance for rules of decorum due to his lawyers having taking Con Law #101, decided he was a lawyer. Lawyer John Barr talked to people in the community to come up with community rules of decorum. Lawyer John Barr then decided to read these brand new unvoted on rules of decorum. He said NO PROFANITY, then he said no excessive profanity that would disrupt the orderly process of the meeting. Lawyer John Barr then announced he was also a King, and said he was in charge of determining how many curse words were ok and how many were too many. Barr then said that I had to obey Facebook Community Standards, Youtube Guidelines, and FCC rules??? These were not provided or explained and are obviously a clear violation of TPM restrictions on free speech regardless of Limited or Traditional Public Forum. John Barr explained he would cut off anyone who spoke off topic (general comments not a hearing mind you - there is no topic) or rambled incoherently , made threats, or gave duplicitous statements in their three minute comment period. King John Barr then set about allowing a woman to tell the same car accident story she has told at every meeting since last year. King failed to enforce new "rules" she then rambled incoherently about having friends in law enforcement capacities that would go after the county commissioners if they messed with her. She then threatened the county commissioners not to go into her bedroom while she was out of town visiting family. King John did not enforce any of the three violations of these fake rules he made just for me. John Barr's fake rules don't include a dress code. John Barr then called me and gave me three minutes to redress my grievances with my government. I quote *Cohen* v. California 1971 in my speech and use the word "Fuck" three times and was not gaveled by king John. I then inform the gallery if they don't want to see my big butt when I pull down my pants exposing my bikini they can close their eyes for 5 seconds or leave. I also explain that showing my big fat butt is my viewpoint of my government using tax dollars to maliciously prosecute me with the three fraudulent peace orders. I stand up pull my shorts down to reveal half of my butt as I walk back to my seat in less than the three minutes yielded to me by King John. As I

get to my seat John say I TOLD YOU TO LEAVE, which upon review of the tape is in fact a lie. He then illegally calls a recess and we are ordered to clear King John's Chambers. I am then unlawfully trespassed for the day under the false claim of having disrupted my own speech if you can believe this idiot.
I wasn't allowed to attend the rest of the meeting and had deep rooted desire to hear about budgetary items and ordinance modifications etc.. Not liking someones case law recitation isn't grounds to eject a citizen. Not liking seeing their bikini while walking back to their seat within three minutes as allowed by John's own arbitrary, capricious, overly broad, vague, and downright unconstitutional rules.

Complaint Issue #5 Failure to Provide Appeal of Illegal Trespass

The county was contacted in writing. Asking if I could please attend public meetings if I wore the clothes they preferred and didn't use magical words they didn't like. This was to document the lack of response and prove this was 100% malicious and not intended to facilitate a legitimate governmental function in the face of such adversity as wearing a bikini John Barr didn't like or quoting Justice Harlan and his most famous case.

I ask this governing body (OMA) to find that Washington County Board of County Commissioners has repeatedly violated the OMA. Please hold them accountable under GP 3-402. Zach and John both committed misdemeanours and should be found to be misdemeanents, especially Zach. He knows I have a right to attend and participate. I want to give comment on how evil these fools are just like everyone else has a chance to do. I broke no rules. They hate my viewpoint. John and Zach would be police officers arresting a citizen who flicked them off or flashed their headlights at another driver to warn of a radar trap.

Shaun Porter - see attached exhibits such as fraudulent no trespass etc.,

Section of OMA the trespass is violating etc.

Meeting in controversey;

https://www.facebook.com/share/r/1ENJLsCJgv/

County Administrator Committing Perjury (ZACH SUBORNED PERJURY)

https://www.facebook.com/share/r/1APiqHSUUe/

County Clerk Committing Perjury (ZACH SUBORNED PERJURY- HAD DIRECT FIRST HAND KNOWLEDGE SHE WAS COMMITING PERJURY AND ALLOWED IT) AGC-

https://www.facebook.com/share/r/17y7zMTGGF/

John Barr Explaining FREE SPEECH DOESNT APPLY TO CRITICIZING POLITICIANS

https://www.facebook.com/share/r/1Bis397Hev/

Peace Order Petitioner I have Never Spoken With....making ass of himself on stand.

https://www.facebook.com/share/r/163cCoskSS/

Police measuring political signs on video!!!!!!

https://www.facebook.com/share/r/15R4TddAxM/

PORTER OBJECTIONS SUSTAINED BY JUDGE FINAN 80%

ZACH KIEFER OBJECTIONS SUSTAINED BY JUDGE FINAN 15%

9TH GRADE EDUCATED ILLITERATE WINS!!!!

I WILL NEVER STOP PUBLIC SPEAKING WITHIN THE FIRST AMENDMENT. I WILL FIGHT TO MY LAST BREATH. GEORGE WASHINGTON CROSSED THE DELAWARE IN THE FREEZING COLD...I CAN HANDLE GETTING ARRESTED FOR ATTENDING A PUBLIC OPEN MEETING IN WHICH I AM ENTITLED TO ATTEND.

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9 attachments

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801K

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759K

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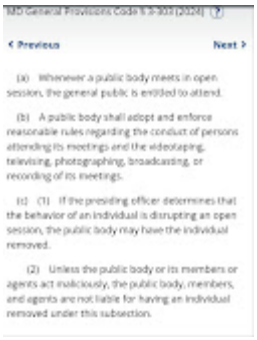
608K


< Previous Next >

(a) Whenever a public body meets in open session, the general public is entitled to attend.

(b) A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.

(c) (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.

(2) Unless the public body or its members or agents act maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.

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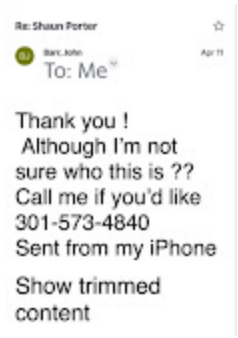
Re: Shaun Porter

To: Me

Thank you !
Although I'm not sure who this is ??
Call me if you'd like
301-573-4840
Sent from my iPhone

Show trimmed content

1000066638.jpg
168K

COMMISSIONER JOHN BAR
TALKS ABOUT HIS FIRST TIME
BARR My first time was with my Mom in an outhouse in Lynchburg Virginia.
REPORTER isn't that a little odd sleeping with your mother?
BARR Well everyone else in town already had and I was Jeff Cline wasted on Campari!!!

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6688K

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81K

Exhibit J

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

VIDEO - JOHN BARR EXTORTION - WILL NOT TAKE SIGN DOWN

Shaun Porter <shaunporter@usa.com> Tue, Apr 15, 2025 at 1:09 PM
To: jonathangross@gmail.com, sarahspitalnickesq@gmail.com, BB the Bat <bbthebat13@gmail.com>, kbuckler@radiofreehubcity.com, levitrumbull@yahoo.com, jgreene@gannett.com, contactcommissioners@washco-md.net, councilmembers@frederickcountymd.gov, Justin Holder <jholder2004@gmail.com>, airbornerepublican@gmail.com, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>

https://www.facebook.com/share/p/1DjnT6VcAm/

John Barr amd Distinguised attorneys who send ceasse and desists on satples bought parcel envelopes and don't even have stationary with custome letterhead.

I asked yesterday for your AIS #'s?????

This video will be published and republsihed many times more than commissioners meeting videos.

Everything you do makes tbings worse for you, because you are a crooked politician and dress like a Nazi Pee Wee Herman.

This is me discussing your new Nazi bridge sign. Like all the other signs Justin Holder is paying....because he is a baller.

My opinion of you = NAZI

Samples of my political art and protests ypu will see at MAco.
--
Sent with mail.com Mail app

39 attachments

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236K

1000065271.jpg
223K

Exhibit J

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Exhibit J

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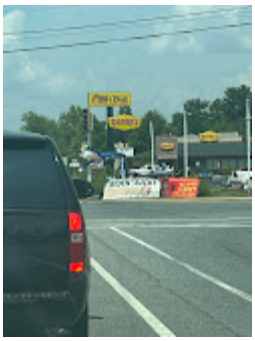

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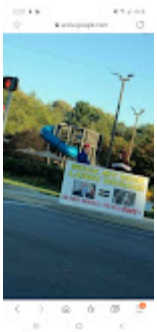

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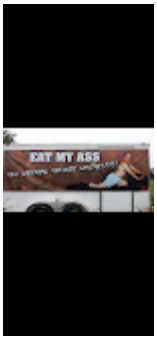

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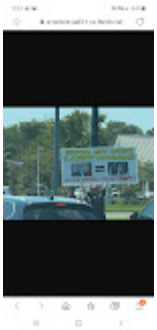

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Exhibit J

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Exhibit J

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674K

28cc338d-975a-4912-b17a-da4eeb4a7663-1_all_1587.jpg
391K

Exhibit K

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Re: Re: "Fistfucking" your bowtie bitch mouth...just one of them Johnny boy.

Shaun Porter <shaunporter@usa.com> Sat, May 17, 2025 at 2:02 PM
To: "Barr, John" <jbarr@washco-md.net>, Justin Holder <jholder2004@gmail.com>
Cc: Washington Commissioners <commissioners@washco-md.net>, countyattorneyoffice <countyattorneyoffice@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, sarahspitalnickesq@gmail.com, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net, "Harvey, Derek" <dharvey@washco-md.net>, kbuckler <kbuckler@radiofreehubcity.com>, levitrumbull <levitrumbull@yahoo.com>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Shara Alpert -DNR- <shara.alpert@maryland.gov>

Just make sure you got it filled out right for Monday.

--
Sent with mail.com Mail app

On 5/17/25, 1:59 PM Justin Holder <jholder2004@gmail.com> wrote:

On Sat, May 17, 2025, 11:55 AM Justin Holder <jholder2004@gmail.com> wrote:

On Sat, May 17, 2025, 11:32 AM Justin Holder <jholder2004@gmail.com> wrote:

John,

Please incorporate the attached supporting documentation into the record of the meeting next Tuesday. I would suggest you know and understand the content.

Justin

Exhibit L

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Did you need to reschedule John's 7 hr Depo?

Shaun Porter <shaunporter@usa.com> Sat, May 17, 2025 at 11:59 PM
To: sarahspitalnickesq@gmail.com, jonathangross@gmail.com, jbarr@washco-md.net, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, zkieffer@washco-md.net, contactcommissioners@washco-md.net, councilmembers@frederickcountymd.gov, boe@wcps.k12.md.us, Kevin Karpinski <kevin@bkcklaw.com>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, townofsharpsburg@comcast.net, Town Manager <townmanager@townofboonsboro.com>, townhall@keedysvillemd.com, townplanner@townofboonsboro.com, airbornerepublican@gmail.com, troopermarine@gmail.com, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, jgreene@gannett.com, "kbuckler <kbuckler@radiofreehubcity.com>" <kbuckler@radiofreehubcity.com>, levitrumbull@yahoo.com, Eric Beasley <sparticus33w@gmail.com>, abright@washco-md.net

I havent heard a word from you Attorney Sarah, and no Judge will let a case go to trial without the Defendant of said $10 million lawsuit getting to depose all wutnesses and get discovery. Doesnt happen. I am entitled. I am very good at deposing people. It will be pleasant for John and the other commissiomers.

I have already had John and Derek on the stamd in those fraudulent abuse of peocess peace orders you advised them to file.

I have to miss my Tuesday public meeting and pay the depo depot for this.

You and John Barr cant just no show a depot as the Plaintiff.....thats grounds to grant my MTD/ MSJ under SLAPP. We will be im court shortly. This will make it look like the case is meritless, has no evidence, and that John Barr didnt suffer $10,000,000 in COMPENSATORY losses for me having a sign in my yard.

Its almost like you made it all up.....

Shaun Porter

--
Sent with mail.com Mail app

Exhibit M

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Video - JOHN BARR SIGN NOW A FLOAT FOR SHARPSBURG

1 message

Shaun Porter <shaunporter@usa.com> Sun, May 18, 2025 at 11:31 AM
To: Kevin Karpinski <kevin@bkcklaw.com>, Justin Holder <jholder2004@gmail.com>
Cc: "Bright, Andrew" <abright@washco-md.net>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, BB the Bat <bbthebat13@gmail.com>, kbuckler <kbuckler@radiofreehubcity.com>, The City of Frederick Public Records Request Center <cityoffrederickmd@govqa.us>, Town of Sharpsburg <townofsharpsburg@comcast.net>, Town Manager <townmanager@townofboonsboro.com>, Town Hall <townhall@keedysvillemd.com>, TownPlanner <townplanner@townofboonsboro.com>, "ContactCommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, SAO General <sao@washco-md.net>, "boewcps.k12.md.us" <boe@wcps.k12.md.us>, "boardfcps.org" <board@fcps.org>, Lisa Riner <lriner@keedysvillemd.com>, Kevin Tucker <kevin.tucker@mdcourts.gov>, Ed Kuczynski <ed.kuczlaw@gmail.com>, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, "airbornerepublicangmail.com" <airbornerepublican@gmail.com>, troopermarine@gmail.com, sarahspitalnickesq@gmail.com, jonathangross@gmail.com

Here is video of the signs being turned into float for Sharpsburg parade regarding John Barr fucking his mom in an outhouse. (parody)

Remember.....ACLU v. SKOKIE

https://www.facebook.com/share/v/1ERQ954RyB/

--
Sent with mail.com Mail app

On 5/16/25, 11:14 AM Justin Holder <jholder2004@gmail.com> wrote:

> Kevin,
>
> I am making the same MPIA request as Shaun.
>
> Turn them over now, or I amend 180 case
>
> On Fri, May 16, 2025, 11:08 AM Shaun Porter <shaunporter@usa.com> wrote:
>
> > Sarah Spitalnick has been paid thousands of dollars to write unconstitutional rules of decorum.
> >
> > Then SARAH was paid by the county to sue a taxpayer to silence his participation in public meetings with that tax payers own tax money. SLAPP on behalf of elected official John Barr.
> >
> > SARAH is getting paid by the county to defend unconstitutional rules of decorum in a lawsuit I filed against Washington County.
> >
> > I believe the Judge and the AGC would have a problem with a county funded lawyer suing on behalf of an elected politician with tax payer dollars.
> >
> > The county illegally witheld the records requests for her invoices and chexks to her.
> >
> > Kevin Karpinsky AND Zach Kieffer aided in covering up this conflict and now appears to be in conspiracy with John Barr and Sarah Spitalnick.
> >
> > John Barr must pay his own bills!!!
> >
> > Recuse yourself today in writing or I will take action Monday.
> >
> > Shaun Porter, Pro se
> >
> > --
> > Sent with mail.com Mail app

Exhibit N

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Anticipatory Breach - John Barr Evading Deposition

Shaun Porter <shaunporter@usa.com> Sun, May 18, 2025 at 4:34 PM
To: sarahspitalnickesq@gmail.com, kevin.tucker@mdcourts.gov, Kevin Karpinski <kevin@bkcklaw.com>, zkieffer@washco-md.net, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, councilmembers@frederickcountymd.gov, contactcommissioners@washco-md.net, boe@wcps.k12.md.us, board@fcps.org, Justin Holder <jholder2004@gmail.com>

I see that your client has published a statement that he will not be attending the scheduled deposition Tuesday.

You have made no good faith communications regarding this deposition, it's date , or it's time.

You realize I am paying for this and if you guys no show, your client will be responsible?

You have the address and time of the 7 hr deposition.

Please contact me if any of this wasn't clear to you and your client.

You cant have the County pay a lawyer to sue on behalf of a politician, in his personal capacity, for an exact copy of a U.S. Supreme Court decided parody ad, and not allow that victim of this mailcious prosecution discovery? You expect the Court to allow no discovery and then magically let the SLAPP suit proceed to trial?

This will be the most extensive discovery in the history of the county based on the broadness of the claims articulated in your complaint.

Produce John Barr Tuesday morning as scheduled and stop hiding this man from his deposition.

The Truth always comes out.

Shaun Porter

--
Sent with mail.com Mail app

1000073977.jpg
616K

E-FILED; Washington Circuit Court
Docket: 5/19/2025 1:02 PM; Submission: 5/19/2025 1:02 PM
Envelope: 21255922

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

Certificate Regarding Discovery

Comes now; Defendant, Shaun Porter, hereby notifies this court that I have served the following Notice of Deposition on the Plaintiff John Barr, by MDEC to his counsel for Plaintiff John Barr. Served Notice of Deposition dated for Friday 5/30/25 for the Plaintiff only. This is in accordance with Md. Rule 2-401 etseq.(as applicable). The Notice of Deposition was MDEC'd on 5/19/25. No documents are requested for this deposition. Pursuant Md. Rule 2-416 all parties were notified the deposition will be video and audio recorded.

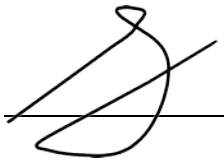
Respectfully submitted,

5/19/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, NOTICE OF DEPOSITION on attorney of record at sarahspitalnickesq@gmail.com.



5/19/25

E-FILED; Washington Circuit Court
Docket: 5/19/2025 2:37 PM; Submission: 5/19/2025 2:37 PM
Envelope: 21258989

CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)
v.	) Case No.: **C-21-CV-25-000161**
SHAUN PORTER Defendant.	)

NOTICE OF WITHDRAWAL OF ATTORNEY JONATHAN GROSS

Pursuant to Maryland Rule 2-132, Attorney Jonathan Gross hereby provides notice of his withdrawal as counsel for Plaintiff John Barr in the above-captioned case. Plaintiff John Barr consents to the withdrawal of Jonathan Gross as his counsel. Attorney Sarah Spitalnick, who is already counsel of record for Plaintiff, will continue to serve as lead counsel in this matter.

Dated: May 19, 2025

/s/ Jonathan Gross
Jonathan Gross
MD Bar ID: 1912170138
LAW OFFICE OF JONATHAN GROSS
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
Jonathansgross@gmail.com

Counsel for Plaintiff John Barr

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2025, a copy of the foregoing Notice of Withdrawal of Attorney Jonathan Gross was served by MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter who has so registered.

/s/ Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 5/14/2025 7:30 PM; Submission: 5/14/2025 7:30 PM
Envelope: 21208272

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

BARR Plaintiff,	)	
v.	)	Case No.: C-21-CV-25-000161
PORTER Defendant.	)	

ORDER

Upon consideration of Plaintiff John Barr's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed on May 14, 2025, Defendant Shaun Porter's response (if any), and any oral argument presented, and for good cause shown pursuant to Maryland Rules 2-403, 2-432, 2-510, 1-341, and 2-311(b), it is this ___ day of May, 2025, by the Circuit Court for Washington County, Maryland,

ORDERED, that Plaintiff's Motion is **GRANTED**; and it is further

ORDERED, that the subpoenas served by Defendant Shaun Porter on May 12, 2025, directed to Jeff Cline, Derek Harvey, Randy Wagner, and Zach Kieffer, are QUASHED; and it is further

ORDERED, that the purported deposition notice emailed by Defendant on May 9, 2025, targeting Plaintiff John Barr for a deposition on May 20, 2025, is QUASHED; and it is further

ORDERED, that any other subpoenas or deposition notices issued by Defendant are QUASHED; and it is further

ORDERED, that a PROTECTIVE ORDER is issued pursuant to Maryland Rule 2-403, prohibiting Defendant Shaun Porter from issuing further discovery requests in this case until the pending Motion to Dismiss (Dkt. 5/9/25) is resolved; and it is further

ORDERED, that Defendant Shaun Porter shall seek prior court permission before serving any future discovery requests in this case, by filing a motion specifying the proposed discovery, its

Entered: Clerk, Circuit Court for
Washington County, MD
May 20, 2025

relevance to the case, and its compliance with the Maryland Rules, to prevent further harassment and abuse of the discovery process; and it is further

~~**ORDERED,** that Plaintiff John Barr is **AWARDED ATTORNEYS' FEES AND COSTS** incurred in preparing and filing the Motion, pursuant to Maryland Rule 1-341, due to Defendant's bad-faith and harassing discovery tactics, in an amount to be determined upon submission of an affidavit by Plaintiff's counsel detailing reasonable fees and costs, to be filed within 14 days of this Order; and it is further~~

~~**ORDERED**, that Defendant Shaun Porter is **SANCTIONED** for his bad-faith conduct, including issuing defective and harassing discovery requests, spamming unrelated parties, and pursuing discovery for improper social media purposes, and is cautioned that further violations may result in additional sanctions, including but not limited to dismissal of defenses or contempt proceedings; and it is further~~

ORDERED, that the Clerk of the Court shall serve copies of this Order on all parties via MDEC electronic service, including pro se Defendant Shaun Porter.

05/19/2025 9:19:59 PM

SO ORDERED:

Date: May 05/19/2025, 2025

Stephen J. Sfekas

Circuit Court Judge
Circuit Court for Washington County, Maryland

E-SERVED Washington Circuit Court 5/20/2025 7:51 AM System SystemEnvelope:21267210
E-FILED; Washington Circuit Court
Docket: 5/20/2025 7:51 AM; Submission: 5/20/2025 7:51 AM
Envelope: 21267210

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

BARR Plaintiff,	)	
v.	)	Case No.: C-21-CV-25-000161
PORTER Defendant.	)	

ORDER

Upon consideration of Plaintiff John Barr's Motion to Quash Subpoenas and Deposition Notice, Request for Attorneys' Fees and Sanctions, and Request for Expedited Briefing Schedule, filed on May 14, 2025, Defendant Shaun Porter's response (if any), and any oral argument presented, and for good cause shown pursuant to Maryland Rules 2-403, 2-432, 2-510, 1-341, and 2-311(b), it is this ___ day of May, 2025, by the Circuit Court for Washington County, Maryland,

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ORDERED, that Defendant Shaun Porter shall seek prior court permission before serving any future discovery requests in this case, by filing a motion specifying the proposed discovery, its

Entered: Clerk, Circuit Court for
Washington County, MD
May 20, 2025

relevance to the case, and its compliance with the Maryland Rules, to prevent further harassment and abuse of the discovery process; and it is further

~~**ORDERED,** that Plaintiff John Barr is **AWARDED ATTORNEYS' FEES AND COSTS** incurred in preparing and filing the Motion, pursuant to Maryland Rule 1-341, due to Defendant's bad-faith and harassing discovery tactics, in an amount to be determined upon submission of an affidavit by Plaintiff's counsel detailing reasonable fees and costs, to be filed within 14 days of this Order; and it is further~~

~~**ORDERED**, that Defendant Shaun Porter is **SANCTIONED** for his bad-faith conduct, including issuing defective and harassing discovery requests, spamming unrelated parties, and pursuing discovery for improper social media purposes, and is cautioned that further violations may result in additional sanctions, including but not limited to dismissal of defenses or contempt proceedings; and it is further~~

ORDERED, that the Clerk of the Court shall serve copies of this Order on all parties via MDEC electronic service, including pro se Defendant Shaun Porter.

05/19/2025 9:19:59 PM

SO ORDERED:

Date: May 05/19/2025, 2025

Stephen J. Sfekas

Circuit Court Judge
Circuit Court for Washington County, Maryland

E-FILED; Washington Circuit Court
Docket: 5/23/2025 1:45 PM; Submission: 5/23/2025 1:45 PM
Envelope: 21339958

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Civil Case No. C-21-CV-25-000161
SHAUN PORTER, Defendant.	)	

MOTION FOR SANCTIONS UNDER SEAL

Plaintiff John Barr, by and through undersigned counsel, respectfully moves this Court for sanctions against Defendant Shaun Porter for violating Maryland Rule 20-201.1 by publicizing expunged and confidential information, disregarding this Court's May 19, 2025, Order prohibiting unauthorized discovery, and engaging in harassing and defamatory conduct against Plaintiff and Plaintiff's counsel. In support thereof, Plaintiff states as follows:

FACTUAL BACKGROUND

1. On or about May 19, 2025, Defendant Shaun Porter ("Porter") sent an email to multiple recipients, including individuals not involved in this litigation, disclosing allegations of child abuse against Plaintiff John Barr ("Barr").
2. The allegations referenced by Porter were expunged and are sealed and confidential pursuant to Maryland Rule 20-201.1, which governs records related to expunged charges or allegations.
3. Maryland Rule 20-201.1 prohibits the disclosure of expunged records, including police and court records, absent a court order or statutory exception.

4. Porter has expressed his intent to file these sealed and confidential allegations on the public docket and to commence discovery related to these allegations, in direct violation of Maryland Rule 20-201.1.
5. On May 19, 2025, this Court issued an Order stating: "prohibiting Defendant Shaun Porter from issuing further discovery requests in this case until the pending Motion to Dismiss (Dkt. 5/9/25) is resolved; and it is further ORDERED, that Defendant Shaun Porter shall seek prior court permission before serving any future discovery requests in this case, by filing a motion specifying the proposed discovery, its relevance to the case, and its compliance with the Maryland Rules, to prevent further harassment and abuse of the discovery process."
6. Despite this Order, on May 23, 2025, Porter sent two emails stating his intent to conduct discovery in violation of the May 19, 2025, Order. *See* Exhibit 1.
7. On May 23, 2025, Porter sent an email specifically referencing his intent to conduct a deposition of Plaintiff John Barr as early as May 23, 2025.*Id.*
8. On May 23, 2025, Porter sent an additional email indicating his intent to file sealed documents on the public docket and to file discovery motions, further violating the May 19, 2025, Order and Maryland Rule 20-201.1. *Id.*
9. As of May 23, 2025, this Court has not ruled on the pending Motion to Dismiss (Dkt. 5/9/25).
10. As of May 23, 2025, Porter has not obtained Court approval for conducting any discovery, including the deposition or motions referenced in his May 23, 2025, emails.

11. On May 23, 2025, Porter sent an email to Plaintiff's counsel and parties unrelated to this matter, making false and defamatory allegations against Plaintiff counsel and threatening "confess now or make this into a Federal case so to speak". *Id.*
12. On May 23, 2025, Porter sent an email to Plaintiff's counsel and parties unrelated to this matter, "I am getting depos. Filing for leave today". *Id.*
13. On May 23, 2025, Porter stated Plaintiff's counsel has "10 days" until he "files" against Plaintiff's counsel. *Id.*
14. On May 23, 2025, Porter emailed Plaintiff's counsel and parties unrelated to this matter, further threatened Plaintiff's counsel stating "County has standing against Jonathan gross foe incorrect, illegal and improper legal advice. DO NOT PAY HIM ANOTHER DIME AND GET A REFUND!! This is going to be a huge deal.". *Id.*
15. Porter has shown a consistent pattern of threatening Plaintiff and Plaintiff's counsel for pursuing this matter.
16. Porter has shown a consistent pattern of flagrant ignorance of the litigation process.

LEGAL STANDARD

The imposition of sanctions is warranted when a party engages in conduct that violates court orders, the Maryland Rules, or the principles of fair and orderly litigation. The Court's authority to impose sanctions derives from its inherent power to manage proceedings and ensure compliance with its directives, as well as specific provisions under the Maryland Rules.

A. Maryland Rule 20-201.1 – Confidentiality of Expunged Records

Maryland Rule 20-201.1 establishes stringent protections for records subject to expungement. The rule mandates that expunged records, including police and court records

related to charges or allegations, are confidential and may not be disclosed absent a court order or statutory exception. The purpose of expungement is to shield individuals from the prejudicial effects of unfounded or dismissed allegations, and unauthorized disclosure undermines this protection.

B. Maryland Rule 1-341 – Bad Faith and Unjustified Conduct

Maryland Rule 1-341 authorizes the Court to impose sanctions, including attorneys' fees and costs, when a party maintains or defends a proceeding in bad faith or without substantial justification. The rule aims to deter abusive litigation tactics and ensure that parties adhere to principles of good faith. Bad faith may be inferred from actions that are "vexatious, wanton, or oppressive," such as the deliberate violation of court orders, the misuse of confidential information, or the use of harassing and defamatory tactics to intimidate opposing parties or counsel. *See U.S. Health, Inc. v. State*, 131 Md. App. 656, 663 (2000). Porter's actions—disclosing expunged allegations, attempting unauthorized discovery, and making defamatory threats against Plaintiff's counsel—demonstrate a pattern of bad faith conduct that justifies sanctions under Rule 1-341.

C. Court's Inherent Authority to Sanction Beyond the Maryland Rules

This Court possesses inherent authority to impose sanctions for conduct that disrupts the administration of justice or disobeys court orders. *See Wynn v. State*, 388 Md. 423, 437 (2005) (recognizing courts' authority to sanction parties for willful violations of court directives). The Court's May 19, 2025, Order explicitly prohibited Porter from conducting discovery without prior approval, yet Porter's emails on May 23, 2025, demonstrate his intent to disregard this

directive. Additionally, his defamatory and threatening communications further undermine the orderly administration of justice, necessitating sanctions to enforce compliance and deter future violations.

D. ***Violation of the May 19, 2025 Order***

The May 19, 2025, Order was issued to prevent harassment and abuse of the discovery process, requiring Porter to seek Court approval before pursuing further discovery. This directive aligns with Maryland Rule 2-431, which governs discovery disputes and empowers courts to regulate discovery to prevent undue burden or oppression. Porter's unilateral attempts to schedule a deposition, file discovery motions, and pursue unauthorized filings without Court approval constitute a direct violation of the Order, warranting sanctions to uphold the Court's authority and protect Plaintiff from further harassment.

E. Appropriate Sanctions

Sanctions may include monetary penalties, attorneys' fees, exclusion of evidence, or other measures deemed appropriate by the Court. *See Williams v. Williams*, 32 Md. App. 685, 690 (1976) (upholding monetary sanctions for discovery violations). Given the severity of Porter's actions—disclosing confidential information, violating a court order, and engaging in defamatory and threatening conduct—Plaintiff requests that the Court impose sanctions, including attorneys' fees, costs incurred in responding to Porter's actions, monetary sanctions, and an order prohibiting Porter from further referencing or disclosing expunged allegations or engaging in harassing communications.

ARGUMENT

Defendant Shaun Porter's actions demonstrate a flagrant disregard for Maryland Rule 20-201.1, this Court's May 19, 2025, Order, and the principles of fair litigation. By disseminating expunged allegations to non-parties, Porter has violated the confidentiality protections afforded to Plaintiff, causing prejudice and irreparable reputational harm. His emails on May 23, 2025, indicate his intent to conduct unauthorized discovery, including a deposition and the filing of sealed documents on the public docket, in direct violation of the Court's Order.

Furthermore, Porter's false and defamatory statements against Plaintiff's counsel, coupled with threats to escalate the matter to a "federal case" and to "file" against counsel within ten days, constitute harassing and vexatious conduct intended to intimidate and obstruct the judicial process. On May 23, 2025, Porter threatened Plaintiff's counsel with criminal prosecution and reports to the Maryland Bar, based on baseless and wholly false allegations, potentially causing Plaintiff's counsel to incur compensatory injuries. Although Porter's conduct, if committed by an attorney, would violate numerous ethical rules, his pro se status exempts him from such disciplinary measures, leaving sanctions as the primary means of deterrence.

This Court ordered Porter to cease all discovery actions until the pending Motion to Dismiss is resolved and to obtain Court approval before submitting any discovery materials. Porter violated that Order within four days, demonstrating that a court order alone does not deter his improper and harassing conduct. Monetary sanctions are warranted to deter future harassing and threatening behavior. Porter's pattern of improper conduct, flagrant violation of a court order, and exemption from attorney ethical rules necessitate monetary sanctions as the only effective deterrent.

These actions collectively constitute bad faith under Maryland Rule 1-341, as they lack substantial justification and are designed to harass and intimidate Plaintiff and Plaintiff's counsel. The Court's inherent authority and the Maryland Rules provide ample basis for imposing sanctions to address Porter's misconduct. Plaintiff respectfully requests that the Court:

1. Grant this Motion for Sanctions Under Seal;
2. Award Plaintiff attorneys' fees and costs incurred in responding to Porter's violations and harassing conduct;
3. Prohibit Porter from further disclosing or referencing expunged allegations;
4. Enjoin Porter from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order;
5. Prohibit Porter from engaging in further defamatory or threatening communications against Plaintiff or Plaintiff's counsel;
6. Impose monetary sanctions on Porter; and
7. Grant such other relief as the Court deems just and proper.

REQUEST TO FILE UNDER SEAL

Given the sensitive nature of the expunged allegations and the need to prevent further dissemination of confidential information, Plaintiff requests that this Motion and all related documents be filed under seal pursuant to Maryland Rule 20-201.1 and the Court's equitable authority.

WHEREFORE, Plaintiff, John Barr, respectfully requests the Court to impose the below Sanctions on Defendant, Shaun Porter;

1. Grant this Motion for Sanctions Under Seal;
2. Award Plaintiff attorneys' fees and costs incurred in responding to Defendant's violations and harassing conduct;
3. Prohibit Defendant from further disclosing or referencing expunged allegations;
4. Enjoin Defendant from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order;
5. Prohibit Defendant from engaging in further defamatory or threatening communications against Plaintiff or Plaintiff's counsel;
6. Impose monetary sanctions on Defendant; and
7. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave. Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May 2025, a true and correct copy of the foregoing Motion for Sanctions Underseal and Proposed Order was sent via MDEC to Defendant.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

Exhibit 1

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Motiom for leave to depose John About Reputaional.material

Shaun Porter <shaunporter@usa.com> Thu, May 22, 2025 at 7:57 PM
To: sarahspitalnickesq@gmail.com, contactcommissioners@washco-md.net

Maybe by 2pm Friday.

--
Sent with mail.com Mail app

Exhibit 1

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

DISCOVERY MATERIALS - ALLEGATIONS CHILD MOLESTATION JOHN BARR (recent)

Shaun Porter <shaunporter@usa.com> Tue, May 20, 2025 at 9:35 PM
To: sarahspitalnickesq@gmail.com, jbarr@washco-md.net, jonathangross@gmail.com, "abrightwashco-md.net" <abright@washco-md.net>, "andereriwcps.k12.md.us" <andereri@wcps.k12.md.us>, Kelly Fisher <kfisher@washco-md.net>, "contactcommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, "kevin.tuckermdcourts.gov" <kevin.tucker@mdcourts.gov>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, GUY WHO DOESNT RETURN CALLS <bkalbert@washco-md.net>, "saowashco-md.net" <sao@washco-md.net>, "boewcps.k12.md.us" <boe@wcps.k12.md.us>, "boardfcps.org" <board@fcps.org>, BB the Bat <bbthebat13@gmail.com>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, "steven.blivessfcps.org" <steven.blivess@fcps.org>, OpenGov <opengov@oag.state.md.us>, "opengovaog.state.md.us" <opengov@aog.state.md.us>, "townofsharpsburgcomcast.net" <townofsharpsburg@comcast.net>, Town Manager <townmanager@townofboonsboro.com>, "townhallkeedysvillemd.com" <townhall@keedysvillemd.com>, "townplannertownofboonsboro.com" <townplanner@townofboonsboro.com>, "Dockbarsgmail.com" <Dockbars@gmail.com>, DELETER IN CHIEF <blevey@washco-md.net>, Wes Decker <wdecker@hagerstownmd.org>, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, Justin Holder <jholder2004@gmail.com>, "aweisswashco-md.net" <aweiss@washco-md.net>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, "Troopermarinegmail.com" <Troopermarine@gmail.com>, "airbornerepublicangmail.com" <airbornerepublican@gmail.com>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Ed Kuczynski <ed.kuczlaw@gmail.com>, Krystal Kelly <kkelly@bkcklaw.com>, CHIPS BOSS <mgordon@washco-md.net>, "cjenkinsfrederickcountymd.gov" <cjenkins@frederickcountymd.gov>, Eric Beasley <sparticus33w@gmail.com>, "mfrycityoffrederickmd.gov" <mfry@cityoffrederickmd.gov>, Heather Fletcher <fletcherforboe@yahoo.com>, "hresetarwashco-md.net" <hresetar@washco-md.net>, "jgreenegannett.com" <jgreene@gannett.com>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, "kbuckler kbucklerradiofreehubcity.com" <kbuckler@radiofreehubcity.com>, "levitrumbullyahoo.com" <levitrumbull@yahoo.com>, Lisa Riner <lriner@keedysvillemd.com>, "legaldptcityoffrederickmd.gov" <legaldpt@cityoffrederickmd.gov>, "ltichnellgarrettcountymd.gov" <ltichnell@garrettcountymd.gov>, "MR. CLEAN" <mpalladi@washco-md.net>, "PIA.Ombuds" <pia.ombuds@oag.state.md.us>, "plazichwashco-md.net" <plazich@washco-md.net>, Brenda Pizanis <bpizanis@bkcklaw.com>, "pedwardsgarrettcountymd.gov" <pedwards@garrettcountymd.gov>, Curtis Reigh <cwreigh@gmail.com>, "prwashco-md.net" <pr@washco-md.net>, "Rammlliwcps.k12.md.us" <rammili@wcps.k12.md.us>

By reputation, what Maryland means is enjoying a good reputation. This Mr. Barr does not enjoy in this case in any way shape or form.

Plaintiff claims they need discovery. To determine whether or not he has a case.

Reputation evidence is clearly admissible in a defamation case in the State of Maryland.

A man who was accused of molesting his own grand daughter cannot be said to enjoy a "good reputation".

This was not a secret family matter and is not sealed or sheilded.

This is part of his public reputation. $10,000,000 in damages??? uh???

This is not the purpose of discovery under the Md rules.

This shows no goo faith basis and is improper.

I think we can all agree that molestation of a little girl by his own grandfather is about as disgusting a crime as society has ever considered next to MURDER.

Lack of discipline and lack of good faith. Did you promulgate a known falsehood by filing this case as an officer of the court and a member of the Maryland Bar?

To put it crudely this is a story about a lawyer who wants to take the money and run.

Here is my defense to the Jury about ruining John Barr's reputation by " claiming he had sex in an out house with his mother". He actually has a reputation in the community as an alleged child molester of his grand daughter Alyssa.

Exhibit 1

Ill get you more of what I am planning on introducing to the Jury.

Julie Barr has a video of Alyssa talking about John Barr molesting her.

I plan to subpoena her to testify.

Fucking his mom in an outhouse would be an improvement upon his reputation.

I am not saying he should be grateful for my joke sign...but perhaps he should be. (it would be an improvement to his vile reputation.

https://tinyurl.com/JulieBarrVsDavidBar
--
Sent with mail.com Mail app

Julie Barr.pdf
3019K

Exhibit 2

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS

3 messages

Justin Holder <jholder2004@gmail.com> Fri, May 23, 2025 at 2:44 PM
To: sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>
Cc: jonathangross@gmail.com, Kevin Karpinski <kevin@bkcklaw.com>, countyattorneyoffice <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Shaun Porter <shaunporter@usa.com>, Washington Commissioners <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net

Dear Ms. Spitalnick,

I read the attached Motion, seeking Sanctions, against: "Defendant Shaun Porter for violating Maryland Rule 20-201.1 by publicizing expunged and confidential information" Ex. A p. 1, attached hereto and incorporated herein.

I attached the docket for C-21-FM-18-000928, Ex. B attached hereto and incorporated herein by reference, and I read the case number on top of the documents attached as Ex. C, and incorporated herein by reference, (which I was sent by an email that you reference in Ex. A).

I respectfully submit that Ex. A, sent by mail/wire in the conduct of interstate business is contains lies. I further respectfully submit that your "conduct" and "participation" is actionable in accordance with 18 USC § 1962(c &d). *See Reves v. Ernst & Young,* 507 U.S. 170, 175 (1993), (defining "conduct" in the context of 1962(c)).

When I file a Motion under seal, I file a Motion to Seal, and a proposed order to seal it, and I file the sealed material separately. I do not believe your motion to properly effectuate what is the intent, or for it even to be proper. What I perceive of your Ex. A to be is a poorly veiled attempt to damage Plaintiffs in Case 180, by placing Plaintiffs in a state of public disrepute or by loss of property, disappointing indeed. I further believe that Ex. A to be a direct violation of 18 USC § 1510(b), (criminal obstruction and predicate "racketeering activity").

NOT LEGAL ADVICE - BUT COMMON SENSE

If I made such a terrible mistake, I would go into MDEC and delete the envelope before the Clerk can docket it.

MY GOOD FAITH QUESTION

If I missed the order sealing C-21-FM-18-000928, or you are privy to some other area of the public record restricting the documents in Ex. C from public court filings, please help me out.

If you can not do this, I will presume that you just lied to the court, and I intend to submit these 3 attached exhibits, and this email, as evidence under affidavit in the 180 case.

Your prompt attention to this matter, no later than 5PM today is expected. With no further communication I will presume you lied.

Respectfully,

Justin

3 attachments

Ex. A - 05.23.25 Barr Motion for Sanctions Underseal.pdf
136K

Ex B. Docket C-21-FM-18-000928.pdf
130K

Exhibit 2

Ex. C - Julie Barr.pdf
3019K

Shaun Porter <shaunporter@usa.com> Fri, May 23, 2025 at 2:47 PM
To: Justin Holder <jholder2004@gmail.com>
Cc: sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>, jonathangross@gmail.com, Kevin Karpinski <kevin@bkcklaw.com>, countyattorneyoffice <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Washington Commissioners <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net

She is class of 2023 give her a break man. This is her first time be gentle.

> **Sent:** Friday, May 23, 2025 at 2:44 PM
> **From:** "Justin Holder" <jholder2004@gmail.com>
> **To:** sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>
> **Cc:** jonathangross@gmail.com, "Kevin Karpinski" <kevin@bkcklaw.com>, "countyattorneyoffice" <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, "Shaun Porter" <shaunporter@usa.com>, "Washington Commissioners" <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net
> **Subject:** C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS
>
> [Quoted text hidden]

Justin Holder <jholder2004@gmail.com> Fri, May 23, 2025 at 3:05 PM
To: "Barr, John" <jbarr@washco-md.net>
Cc: sarahspitalnickesq@gmail.com, Shaun Porter <shaunporter@usa.com>

John,

Tuesday Morning public comments unless you can show me its sealed, I get a denial in writing under oath I am satisfied with, or I am somehow convinced it is not in the public interest that Washington County taxpayers paid outside counsel (Spitalnick, Grossman, Pembroke, cretella, *et al*) to cover this up.

I think I am being very fair here John. Don't you?

Justin

---------- Forwarded message ---------
From: **Justin Holder** <jholder2004@gmail.com>
Date: Fri, May 23, 2025 at 2:44 PM
Subject: C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS
[Quoted text hidden]
[Quoted text hidden]

3 attachments

Ex. A - 05.23.25 Barr Motion for Sanctions Underseal.pdf
136K

Ex B. Docket C-21-FM-18-000928.pdf
130K

Ex. C - Julie Barr.pdf
3019K

E-FILED; Washington Circuit Court
Docket: 5/23/2025 1:45 PM; Submission: 5/23/2025 1:45 PM
Envelope: 21339958

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff, v. SHAUN PORTER, Defendant.	)	Civil Case No. C-21-CV-25-000161

PROPOSED ORDER

Upon consideration of the Plaintiff's Motion for Sanctions Underseal, it is this ___ day of _____ 2025, hereby ORDERED, the Motion is GRANTED, and

FURTHER ORDERED, Award Plaintiff attorneys' fees and costs incurred in responding to Porter's violations;

ORDERED, Defendant Porter is prohibited from further discloser or reference the expunged allegations;

ORDERED, Defendant Porter is prohibited from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order.

ORDERED, Defendant Porter is prohibited from engaging in further defamatory or threatening communications against Plaintiff or Plaintiff's counsel; and

ORDERED, Defendant Porter's is sanctioned in the amount of $_____.

_____
Honorable Judge

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff,	)	
v.	)	Civil Case No. C-21-CV-25-000161
SHAUN PORTER, Defendant.	)	

PETITION FOR CONTEMPT UNDERSEAL

Plaintiff John Barr, by and through undersigned counsel, respectfully moves this Court find Defendant Shaun Porter is in Contempt of Court for violating this Court's May 19, 2025, Order prohibiting unauthorized discovery, In support thereof, Plaintiff states as follows:

FACTUAL BACKGROUND

1. On or about May 19, 2025, this Court Ordered Defendant Shuan Porter ("Porter" and "Defendant") "prohibiting Defendant Shaun Porter from issuing further discovery requests in this case until the pending Motion to Dismiss (Dkt. 5/9/25) is resolved; and it is further ORDERED, that Defendant Shaun Porter shall seek prior court permission before serving any future discovery requests in this case, by filing a motion specifying the proposed discovery, its relevance to the case, and its compliance with the Maryland Rules, to prevent further harassment and abuse of the discovery process."
2. Defendant, Shaun Porter ("Porter") emailed on May 21, 2025, expressing his intent to file sealed and confidential allegations on the public docket and to commence discovery related to these allegations, in direct violation of Maryland Rule 20-201.1 and the May 19, 2025, Court Order.

3. Despite this Order, on May 21, 2025, and May 23, 2025, Porter sent emails stating his intent to conduct discovery in violation of the May 19, 2025, Order. *See* Exhibit 1.
4. On May 23, 2025, Porter sent an email specifically referencing his intent to conduct a deposition of Plaintiff John Barr as early as May 23, 2025.*Id.*
5. On May 23, 2025, Porter sent an additional email indicating his intent to file sealed documents on the public docket and to file discovery motions, further violating the May 19, 2025, Order and Maryland Rule 20-201.1. *Id.*
6. As of May 23, 2025, this Court has not ruled on the pending Motion to Dismiss (Dkt. 5/9/25).
7. As of May 23, 2025, Porter has not obtained Court approval for conducting any discovery, including the deposition or motions referenced in his May 21, 2025, and May 23, 2025, emails.
8. On May 23, 2025, Plaintiff filed a Motion for Sanctions Underseal, in part, regarding the Defendants conduct in violating the May 19, 2025, Order and improper and bad faith conduct.
9. On May 23, 2025, Justin Holder, Defendants Co-Plaintiff in Case No. C-21-cv-25-000180, sent an email to Plaintiff's counsel and unrelated parties to this matter, notifying that in response to Plaintiff's Motion for Sanctions Underseal, Defendant will be filing the expunged documents, in furtherance of Defendants discovery attempts. The expunged documents and Plaintiff's Motion for Sanctions Underseal were attached to this email. *See* Exhibit 2.
10. As of May 23, 2025, Justin Holder has no relation the above captioned matter.
11. Defendant shared Plaintiff's Motion for Sanctions Underseal to multiple parties that have no relation to the above captioned matter. *Id.*

12. On May 23, 2025, Justin Holder called Plaintiff's counsel requesting information regarding the above captioned matter and Plaintiff's Motion for Sanctions Underseal.

REQUEST TO FILE UNDER SEAL

Given the sensitive nature of the expunged allegations contained in Porters emails and the need to prevent further dissemination of confidential information, Plaintiff requests that this Motion and all related documents be filed under seal pursuant to Maryland Rule 20-201.1 and the Court's equitable authority.

WHEREFORE, Plaintiff, John Barr, respectfully requests the Court to find Defendant, Shaun Porter;

1. In Contempt of Court;
2. Award Plaintiff attorneys' fees and costs incurred in responding to Defendant's violations and harassing conduct;
3. Prohibit Defendant from further disclosing or referencing expunged allegations;
4. Enjoin Defendant from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave. Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May 2025, a true and correct copy of the foregoing Petition for Contempt and Proposed Order was sent via MDEC to Defendant.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

Exhibit 1

E-FILED; Washington Circuit Court
Docket: 5/23/2025 1:45 PM; Submission: 5/23/2025 1:45 PM
Envelope: 21339958

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Motiom for leave to depose John About Reputaional.material

Shaun Porter <shaunporter@usa.com> Thu, May 22, 2025 at 7:57 PM
To: sarahspitalnickesq@gmail.com, contactcommissioners@washco-md.net

Maybe by 2pm Friday.

--
Sent with mail.com Mail app

Exhibit 1

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

PROOF OF CRIME BY JONATHAN GROSS ESQ.

Shaun Porter <shaunporter@usa.com> Fri, May 23, 2025 at 10:24 AM
To: jonathangross@gmail.com, sarahspitalnickesq@gmail.com, contactcommissioners@washco-md.net, councilmembers@frederickcountymd.gov, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, zkieffer@washco-md.net, aweiss@washco-md.net, boe@wcps.k12.md.us, board@fcps.org, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, townofsharpsburg@comcast.net, Town Manager <townmanager@townofboonsboro.com>, townhall@keedysvillemd.com, townplanner@townofboonsboro.com, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, sao@washco-md.net, GUY WHO DOESN'T RETURN CALLS <bkalbert@washco-md.net>, DELETER IN CHIEF <blevey@washco-md.net>, plazich@washco-md.net, "OpenGov <opengov@oag.state.md.us>" <opengov@oag.state.md.us>, opengov@aog.state.md.us, abright@washco-md.net, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, coloneltamar@gmail.com, jstolz123law@aol.com, airbornerepublican@gmail.com, troopermarine@gmail.com, jgreene@gannett.com, Esther Frances <efrances@newspost.com>, bblack@frederickcountymd.gov, BB the Bat <bbthebat13@gmail.com>, cjenkins@frederickcountymd.gov, Kevin Karpinski <kevin@bkcklaw.com>, Brenda Pizanis <bpizanis@bkcklaw.com>

You took $5000 to sue a voter on behalf of a politician in his personal capacity and on the Front Page of Herald Mail lied and said you were Barr's personal attorney. I pulled all John Barr's child molestation information and you arent on those circuit court documents.

This is a crime sir.

10 days before being filed.

I was in Frederick News Post today.

I sent them this to Julie Green at Herald Mail.

Do you want to confess now or make this into a Federal case so to speak?

I am getting depos. Filing for leave today.

With this as one of many exhibits including the Child Molestation/ Incest reputational court records against John Barr.

Put your carrier on notice guys.

Will send LGTCA notices soon to relevant parties.

Making all possible reports/ complaints.
--
Sent with mail.com Mail app

Law Office of Jonathan Gross TRUST REQUEST

1000074423.jpg
802K

Exhibit 1

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Malpractice case Jonathan Gross

Shaun Porter <shaunporter@usa.com> Fri, May 23, 2025 at 12:00 PM
To: contactcommissioners@washco-md.net, "countyattorneyoffice <countyattorneyoffice@washco-md.net>" <countyattorneyoffice@washco-md.net>, sarahspitalnickesq@gmail.com, jonathangross@gmail.com

County has standing against Jonathan gross foe incorrect, illegal and improper legal advice. DO NOT PAY HIM ANOTHER DIME AND GET A REFUND!!

This is going to be a huge deal.

--
Sent with mail.com Mail app

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff, v. SHAUN PORTER, Defendant.	))))))))	Civil Case No. C-21-CV-25-000161

PROPOSED ORDER

Upon consideration of the Plaintiff's Petition for Contempt, it is this ___ day of _____ 2025, hereby ORDERED, Defendant Porter is in Contempt of Court

FURTHER ORDERED, Award Plaintiff attorneys' fees and costs incurred in responding to Porter's violations;

ORDERED, Defendant Porter is prohibited from further discloser or reference the expunged allegations;

ORDERED, Defendant Porter is prohibited from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order.

_____

Honorable Judge

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Envelope: 21343714

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

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Maybe by 2pm Friday.

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Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

DISCOVERY MATERIALS - ALLEGATIONS CHILD MOLESTATION JOHN BARR (recent)

Shaun Porter <shaunporter@usa.com> Tue, May 20, 2025 at 9:35 PM
To: sarahspitalnickesq@gmail.com, jbarr@washco-md.net, jonathangross@gmail.com, "abrightwashco-md.net" <abright@washco-md.net>, "andereriwcps.k12.md.us" <andereri@wcps.k12.md.us>, Kelly Fisher <kfisher@washco-md.net>, "contactcommissionerswashco-md.net" <contactcommissioners@washco-md.net>, "countyattorneyoffice countyattorneyofficewashco-md.net" <countyattorneyoffice@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, "kevin.tuckermdcourts.gov" <kevin.tucker@mdcourts.gov>, ASLEEP AT THE WHEEL <gcirinci@washco-md.net>, GUY WHO DOESNT RETURN CALLS <bkalbert@washco-md.net>, "saowashco-md.net" <sao@washco-md.net>, "boewcps.k12.md.us" <boe@wcps.k12.md.us>, "boardfcps.org" <board@fcps.org>, BB the Bat <bbthebat13@gmail.com>, "bblackfrederickcountymd.gov" <bblack@frederickcountymd.gov>, "steven.blivessfcps.org" <steven.blivess@fcps.org>, OpenGov <opengov@oag.state.md.us>, "opengovaog.state.md.us" <opengov@aog.state.md.us>, "townofsharpsburgcomcast.net" <townofsharpsburg@comcast.net>, Town Manager <townmanager@townofboonsboro.com>, "townhallkeedysvillemd.com" <townhall@keedysvillemd.com>, "townplannertownofboonsboro.com" <townplanner@townofboonsboro.com>, "Dockbarsgmail.com" <Dockbars@gmail.com>, DELETER IN CHIEF <blevey@washco-md.net>, Wes Decker <wdecker@hagerstownmd.org>, DONALD BRADSHAW -OSPMD- <donald.bradshaw@maryland.gov>, Justin Holder <jholder2004@gmail.com>, "aweisswashco-md.net" <aweiss@washco-md.net>, Shara Alpert -DNR- <shara.alpert@maryland.gov>, "Troopermarinegmail.com" <Troopermarine@gmail.com>, "airbornerepublicangmail.com" <airbornerepublican@gmail.com>, "zkiefferwashco-md.net" <zkieffer@washco-md.net>, "councilmembersfrederickcountymd.gov" <councilmembers@frederickcountymd.gov>, Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>, Ed Kuczynski <ed.kuczlaw@gmail.com>, Krystal Kelly <kkelly@bkcklaw.com>, CHIPS BOSS <mgordon@washco-md.net>, "cjenkinsfrederickcountymd.gov" <cjenkins@frederickcountymd.gov>, Eric Beasley <sparticus33w@gmail.com>, "mfrycityoffrederickmd.gov" <mfry@cityoffrederickmd.gov>, Heather Fletcher <fletcherforboe@yahoo.com>, "hresetarwashco-md.net" <hresetar@washco-md.net>, "jgreenegannett.com" <jgreene@gannett.com>, "jmccauleywashco-md.net" <jmccauley@washco-md.net>, "kbuckler kbucklerradiofreehubcity.com" <kbuckler@radiofreehubcity.com>, "levitrumbullyahoo.com" <levitrumbull@yahoo.com>, Lisa Riner <lriner@keedysvillemd.com>, "legaldptcityoffrederickmd.gov" <legaldpt@cityoffrederickmd.gov>, "ltichnellgarrettcountymd.gov" <ltichnell@garrettcountymd.gov>, "MR. CLEAN" <mpalladi@washco-md.net>, "PIA.Ombuds" <pia.ombuds@oag.state.md.us>, "plazichwashco-md.net" <plazich@washco-md.net>, Brenda Pizanis <bpizanis@bkcklaw.com>, "pedwardsgarrettcountymd.gov" <pedwards@garrettcountymd.gov>, Curtis Reigh <cwreigh@gmail.com>, "prwashco-md.net" <pr@washco-md.net>, "Rammlliwcps.k12.md.us" <rammili@wcps.k12.md.us>

By reputation, what Maryland means is enjoying a good reputation. This Mr. Barr does not enjoy in this case in any way shape or form.

Plaintiff claims they need discovery. To determine whether or not he has a case.

Reputation evidence is clearly admissible in a defamation case in the State of Maryland.

A man who was accused of molesting his own grand daughter cannot be said to enjoy a "good reputation".

This was not a secret family matter and is not sealed or sheilded.

This is part of his public reputation. $10,000,000 in damages??? uh???

This is not the purpose of discovery under the Md rules.

This shows no goo faith basis and is improper.

I think we can all agree that molestation of a little girl by his own grandfather is about as disgusting a crime as society has ever considered next to MURDER.

Lack of discipline and lack of good faith. Did you promulgate a known falsehood by filing this case as an officer of the court and a member of the Maryland Bar?

To put it crudely this is a story about a lawyer who wants to take the money and run.

Here is my defense to the Jury about ruining John Barr's reputation by " claiming he had sex in an out house with his mother". He actually has a reputation in the community as an alleged child molester of his grand daughter Alyssa.

Exhibit 1

Ill get you more of what I am planning on introducing to the Jury.

Julie Barr has a video of Alyssa talking about John Barr molesting her.

I plan to subpoena her to testify.

Fucking his mom in an outhouse would be an improvement upon his reputation.

I am not saying he should be grateful for my joke sign...but perhaps he should be. (it would be an improvement to his vile reputation.

https://tinyurl.com/JulieBarrVsDavidBar
--
Sent with mail.com Mail app

Julie Barr.pdf
3019K

Exhibit 2

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS

3 messages

Justin Holder <jholder2004@gmail.com> Fri, May 23, 2025 at 2:44 PM
To: sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>
Cc: jonathangross@gmail.com, Kevin Karpinski <kevin@bkcklaw.com>, countyattorneyoffice <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Shaun Porter <shaunporter@usa.com>, Washington Commissioners <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net

Dear Ms. Spitalnick,

I read the attached Motion, seeking Sanctions, against: "Defendant Shaun Porter for violating Maryland Rule 20-201.1 by publicizing expunged and confidential information" Ex. A p. 1, attached hereto and incorporated herein.

I attached the docket for C-21-FM-18-000928, Ex. B attached hereto and incorporated herein by reference, and I read the case number on top of the documents attached as Ex. C, and incorporated herein by reference, (which I was sent by an email that you reference in Ex. A).

I respectfully submit that Ex. A, sent by mail/wire in the conduct of interstate business is contains lies. I further respectfully submit that your "conduct" and "participation" is actionable in accordance with 18 USC § 1962(c &d). *See Reves v. Ernst & Young,* 507 U.S. 170, 175 (1993), (defining "conduct" in the context of 1962(c)).

When I file a Motion under seal, I file a Motion to Seal, and a proposed order to seal it, and I file the sealed material separately. I do not believe your motion to properly effectuate what is the intent, or for it even to be proper. What I perceive of your Ex. A to be is a poorly veiled attempt to damage Plaintiffs in Case 180, by placing Plaintiffs in a state of public disrepute or by loss of property, disappointing indeed. I further believe that Ex. A to be a direct violation of 18 USC § 1510(b), (criminal obstruction and predicate "racketeering activity").

NOT LEGAL ADVICE - BUT COMMON SENSE

If I made such a terrible mistake, I would go into MDEC and delete the envelope before the Clerk can docket it.

MY GOOD FAITH QUESTION

If I missed the order sealing C-21-FM-18-000928, or you are privy to some other area of the public record restricting the documents in Ex. C from public court filings, please help me out.

If you can not do this, I will presume that you just lied to the court, and I intend to submit these 3 attached exhibits, and this email, as evidence under affidavit in the 180 case.

Your prompt attention to this matter, no later than 5PM today is expected. With no further communication I will presume you lied.

Respectfully,

Justin

3 attachments

Ex. A - 05.23.25 Barr Motion for Sanctions Underseal.pdf
136K

Ex B. Docket C-21-FM-18-000928.pdf
130K

Exhibit 2

Ex. C - Julie Barr.pdf
3019K

Shaun Porter <shaunporter@usa.com> Fri, May 23, 2025 at 2:47 PM
To: Justin Holder <jholder2004@gmail.com>
Cc: sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>, jonathangross@gmail.com, Kevin Karpinski <kevin@bkcklaw.com>, countyattorneyoffice <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, Washington Commissioners <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net

She is class of 2023 give her a break man. This is her first time be gentle.

> **Sent:** Friday, May 23, 2025 at 2:44 PM
> **From:** "Justin Holder" <jholder2004@gmail.com>
> **To:** sarahspitalnickesq@gmail.com, "Barr, John" <jbarr@washco-md.net>
> **Cc:** jonathangross@gmail.com, "Kevin Karpinski" <kevin@bkcklaw.com>, "countyattorneyoffice" <countyattorneyoffice@washco-md.net>, "Weiss, Aaron" <aweiss@washco-md.net>, "Kieffer, Zachary" <zkieffer@washco-md.net>, "Shaun Porter" <shaunporter@usa.com>, "Washington Commissioners" <commissioners@washco-md.net>, "Harvey, Derek" <dharvey@washco-md.net>, "Cline, Jeff" <jcline@washco-md.net>, rwagner@washco-md.net
> **Subject:** C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS
>
> [Quoted text hidden]

Justin Holder <jholder2004@gmail.com> Fri, May 23, 2025 at 3:05 PM
To: "Barr, John" <jbarr@washco-md.net>
Cc: sarahspitalnickesq@gmail.com, Shaun Porter <shaunporter@usa.com>

John,

Tuesday Morning public comments unless you can show me its sealed, I get a denial in writing under oath I am satisfied with, or I am somehow convinced it is not in the public interest that Washington County taxpayers paid outside counsel (Spitalnick, Grossman, Pembroke, cretella, *et al*) to cover this up.

I think I am being very fair here John. Don't you?

Justin

---------- Forwarded message ---------
From: **Justin Holder** <jholder2004@gmail.com>
Date: Fri, May 23, 2025 at 2:44 PM
Subject: C-21-CV-25-180, (Holder v. BOCC 4) - GOOD FAITH REQUEST FOR CLARIFICATION AND/OR RICO VIOLATIONS
[Quoted text hidden]
[Quoted text hidden]

3 attachments

Ex. A - 05.23.25 Barr Motion for Sanctions Underseal.pdf
136K

Ex B. Docket C-21-FM-18-000928.pdf
130K

Ex. C - Julie Barr.pdf
3019K

E-SERVED Washington Circuit Court 5/28/2025 9:15 AM System SystemEnvelope:21374690

E-FILED; Washington Circuit Court
Docket: 5/28/2025 9:15 AM; Submission: 5/28/2025 9:15 AM
Envelope: 21374690

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: SARAH SPITALNICK
23 WALKER AVENUE
SUITE 207
PIKESVILLE, MD 21208

Case Number: **C-21-CV-25-000161**
Related Case Number:

JOHN BARR VS. SHAUN PORTER

Date: 5/27/2025

NOTICE OF SCHEDULING CONFERENCE

The Court has scheduled a conference for the appearance of counsel on 06/20/2025, at 10:45 A.M. to discuss the possibilities of settlement, efforts at alternative dispute resolution, and to establish a trial date as well as discovery schedule for the completion of proceedings. It would be expected that core discovery (designation of plaintiff's experts, interrogatories filed and answered, and depositions of parties taken) would be completed prior to the conference.

05/27/2025 7:55 PM

Brett R. Wilson
Administrative Judge

Brett R. Wilson

cc: Shaun Porter 20033 Cool Hollow Rd Hagerstown Md 21740
Jonathan Stuart Gross 2833 Smith Ave Suite 331 Baltimore Md 21209

Scheduling Conferences will be conducted via ZOOM arranged by Chambers unless notified otherwise.

Entered: Clerk, Circuit Court for
Washington County, MD
May 28, 2025

E-SERVED Washington Circuit Court 5/28/2025 9:15 AM System SystemEnvelope:21374690
E-FILED; Washington Circuit Court
Docket: 5/28/2025 9:15 AM; Submission: 5/28/2025 9:15 AM
Envelope: 21374690

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

Civil/Family/Juvenile: 301-790-4701
Criminal: 301-790-7944
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: SHAUN PORTER
20033 COOL HOLLOW RD.
HAGERSTOWN, MD 21740

Case Number: **C-21-CV-25-000161**
Related Case Number:

JOHN BARR VS. SHAUN PORTER

Date: 5/27/2025

NOTICE OF SCHEDULING CONFERENCE

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05/27/2025 7:17:48 PM

Brett R. Wilson
Administrative Judge

Brett R. Wilson

cc: Sarah Spitalnick 23 Walker Avenue Suite 207 Pikesville Md 21208
Jonathan Stuart Gross 2833 Smith Ave Suite 331 Baltimore Md 21209

Scheduling Conferences will be conducted via ZOOM arranged by Chambers unless notified otherwise.

Entered: Clerk, Circuit Court for
Washington County, MD
May 28, 2025

E-SERVED Washington Circuit Court 5/28/2025 9:15 AM System SystemEnvelope:21374690

E-FILED; Washington Circuit Court
Docket: 5/28/2025 9:15 AM; Submission: 5/28/2025 9:15 AM
Envelope: 21374690

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: JONATHAN STUART GROSS
2833 SMITH AVE SUITE 331
BALTIMORE, MD 21209

Case Number: **C-21-CV-25-000161**
Related Case Number:

JOHN BARR VS. SHAUN PORTER

Date: 5/27/2025

NOTICE OF SCHEDULING CONFERENCE

The Court has scheduled a conference for the appearance of counsel on 06/20/2025, at 10:45 A.M. to discuss the possibilities of settlement, efforts at alternative dispute resolution, and to establish a trial date as well as discovery schedule for the completion of proceedings. It would be expected that core discovery (designation of plaintiff's experts, interrogatories filed and answered, and depositions of parties taken) would be completed prior to the conference.

05/27/2025 7:17:41 PM

Brett R. Wilson
Administrative Judge

Brett R. Wilson

cc: Shaun Porter 20033 Cool Hollow Rd Hagerstown Md 21740
Sarah Spitalnick 23 Walker Avenue Suite 207 Pikesville Md 21208

Scheduling Conferences will be conducted via ZOOM arranged by Chambers unless notified otherwise.

Entered: Clerk, Circuit Court for
Washington County, MD
May 28, 2025

E-FILED; Washington Circuit Court
Docket: 5/28/2025 9:54 AM; Submission: 5/28/2025 9:54 AM
Envelope: 21376165

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR Plaintiff, v. SHAUN PORTER, Defendant.	)	Civil Case No. C-21-CV-25-000161

LINE

1. On or about May 28, 2025, this Court released a Notice of Scheduling Conference.
2. Within the May 28, 2025, Notice, specifically stated "The Court has scheduled conference for the appearance of counsel on 06/20/2025, at 10:30 A.M. to discuss the possibilities of settlement, efforts at alternative dispute resolution, and to establish trial date as well as discovery schedule for the completion of proceedings. It would be expected discovery (designation of plaintiff's experts, interrogatories filed and answered, and depositions of parties taken) would be completed prior to the conference. "
3. On May 20, 2025, this Court ordered that Defendant "ORDERED, that PROTECTIVE ORDER is issued pursuant to Maryland Rule 2-403, prohibiting Defendant Shaun Porter from issuing further discovery requests in this case until the pending Motion to Dismiss (Dkt. 5/9/25) is resolved; and it is further ORDERED, that Defendant Shaun Porter shall seek prior court permission before serving any future discovery requests in this case, by filing motion specifying the proposed discovery, relevance to the case, and its compliance with the Maryland Rules, to prevent further harassment and abuse of the discovery process"

4. As of May 28, 2025, this Court has not ruled on the Motion to Dismiss, as it is still pending.
5. Given the pendency of this motion, and the May 20, 2025, Order, discovery is not proper at this juncture, as the resolution of the Motion to Dismiss may dispose of the case or significantly alter its scope.

WHEREFORE, Plaintiff prays that this Honorable Court:

A. Defer the scheduling conference and any discovery obligations until the Motion to Dismiss is resolved.

B. Grant such other and further relief as the Court deems just and proper.

Date: May 28, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
LAW OFFICE OF SARAH SPITALNICK
MD Bar ID: 23112901
23 Walker Ave., Suite 207
Baltimore, MD 21209
(484) 332-0454
sarahspitalnickesq@gmail.com
Counsel for Plainitff

CERTIFICATE OF SERVICE

I certify that on May 28, 2025, a copy of the foregoing Line was served via electronic filing on:

Shaun Patrick
Porter 6583
Edgewood Road

New Market, Maryland 21774

/s/ Sarah Spitalnick
Sarah Spitalnick

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR

Plaintiff

v. CASE NO: C-21-CV-25-161

SHAUN PORTER

Defendant

SCHEDULING ORDER

It is this 06/02/2025 day of June, 2025 by the Circuit Court for Washington County, Maryland, hereby

ORDERED, that the Plaintiff's Motion to Seal and the Defendant's Motion to Dismiss, and any responses thereto, will be heard by this Court on June 12, 2025, at 9:30 AM, and it is further

ORDERED, that the portion of the hearing pertaining to the Motion to Seal shall be held under Seal, and it is further

ORDERED, that any further filings on the Motion to Seal shall be filed by June 5, 2025, and shall be held under Seal.

06/02/2025 11:19 AM

Stephen J. Sfekas

Stephen Sfekas
Judge

cc Assignment Office
Plaintiff Counsel
Defense Counsel

Entered: Clerk, Circuit Court for
Washington County, MD
June 2, 2025

E-FILED; Washington Circuit Court
Docket: 6/5/2025 3:34 PM; Submission: 6/5/2025 3:34 PM
Envelope: 21517451

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

Defendant's Motion to Recuse

Comes now; Defendant, Shaun Porter, Pro Se, hereby begs his Honor Judge Sfekas to recuse himself pursuant Md. Rule 3-505 and Md. Rule 18-102.11, for the incredible bias he has shown in court and out of court against Defendant Shaun Porter (Justin Holder's Process Server for returned service - "evaders") on the record and outside of court in front of attorney Adam Greivell on March 7, 2025. Any reasonable member of the public would be able to see the bias already displayed by his honor Judge Sfekas after reading the following and looking at accompanying affidavit. The defendant was set to testify to evasion of service of Scott Moral, Christine Moral, Ben Estes, Lisa Estes, Jeff Young, and Cheryl Young and the EXPRESS DIRECTION OF THE MOST DISHONEST ATTORNEY ON EARTH VICTOR CRETELLA. This matter is now a part of a lengthy Attorney Grievance Complaint also including Attorney Ben Estes (hid in house, called 911, filed false police report, turned dogs loose on me), wherein his honor is a fact in this complaint. I realize that disclosing this to the court may hamper my complaint with the AGC, but I am more concerned with being railroaded by a man who chewed me out twice in one day for my 9th grade vernacular in emails after being threatened by Victor

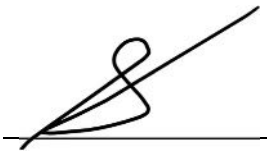
Cretella. The defendant was responding to nonstop harassment and threats of Trespassing charges for lawful service of process by Victor Cretella. Victor Cretella tricked his Honor into thinking he was the victim. Victor had his clients hide in their homes, call 911, turn dogs loose on me, call personal cell phones of police to summons their friends in government from the other side of the county and file a false police report of fake subpoenas and even lie on July 30th 2024 on body camera claiming I told a Cretella client that I was an FBI agent. When this woman found out it was all on camera she then lied and said "I mean he called me a week ago and said he was an FBI agent" that woman got served anyhow and her complaint was never "processed" by responding deputies (4). His honor is also a fact in a case C-21-CV-21-000116. I may be forced to join as a Plaintiff due to being a victim of the same actors and facts and circumstances that may even turn into a case against his honor regarding inappropriate sanctions for none other than the people who turned their dogs loose on me, threatened me with malicious prosecution which is what Justin Holder sued them for, called 911 and taunted me through the window (Lisa Estes).

FACTS PROVING JUDGE SFEKAS HAS ALREADY ACTED ON HIS BIAS

His honor recently fell victim to the same tricks employed by criminal Victor Cretella, whose first employer was seized by the State of Maryland for consumer fraud, by this new lawyer Sarah Spitalnick. The judge ruled that a man who didn't file a $10,000,000 SLAPP lawsuit under verification or supply any affidavit or admissible evidence of any kind, should not provide discovery before an Anti-SLAPP Motion for Summary Judgement and Motion to Dismiss hearing. This is extremely prejudicial to my case, as I have zero idea what his alleged damages are and no evidence…basically it's hard to put on a defense so to speak when you don't know what "ruined his Christmas" means as far as damages. His honor ruled emails

which are First Amendment protected redress to elected officials and COUNTY FUNDED ATTORNEY SPITALNICK constituted a reason not to make John Barr defend his case in a deposition. The complaint lacks specificity in which the discovery would clear up. It will also prove the case Is taxpayer funded and constitutes embezzlement by John Barr to benefit his political re-election. Judge Sfekas has already fucked Defendant Shaun Porter by this one ruling, and I am requesting he hear this motion preliminarily and not make any further substantive rulings against Defendant or recuse himself prior to the next hearing and order the case be sent back to the Administrative Judge.

Respectfully submitted,



6/5/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, "Defendant's Motion to Recuse" on attorney of record on MDEC and at sarahspitalnickesq@gmail.com on 6/5/25.

6/5/25

Shaun P. Porter
6583 Edgewood Rd
New Market, MD 21774

E-FILED; Washington Circuit Court
Docket: 6/5/2025 3:34 PM; Submission: 6/5/2025 3:34 PM
Envelope: 21517451

June 5th 2025

Justin K. Holder
308 West Chapline Street
Sharpsburg, MD 21782
(240) 356 - 2008

Judge Sfedkas - Visiting Judge of Washington County Circuit Court
24 Summit Ave, Hagerstown, MD 21740

Re: Letter Notifying Judge Sfedkas he is a potential fact witness to "stigma-plus" damages in related to Defendants "poisoning" the courts with lies, in the matters of: *Justin Holder, et al. v. Christine Morral et. al.*, Case C-21-CV-21-000116, *Justin Holder, et al. v. Washington County Board of County Commissioners*, Case No. C-21-cv-25-000180 and other potential future US District Court litigation, or other pending litigation;

Dear Honorable Judge Sfedkas,

I am writing to you to notify you that you may be called as a witness in the above referenced matter. It is alleged in those matters that you have been "poisoned" by the lies of attorneys that it is alleged in those matters are ultimately paid for by the government. See Ex. T, attached hereto and incorporated herein by reference, (extra judicial discussions of facts with my counsel and co-plaintiff that are not on the record, and could tend to prove the allegations as set forth in the above described matters).

Even if it is your belief that the lies that the government lawyers told, (and it is believed that Victor Cretella was being directed by the governement as alleged) did not effect your judgement, I would respectfully submit that I would like the jury in the above described matters to decide that fact. Although I have not met your honor, I do respect your honor's temperament and years of experience. I am not moving this court to do anything, I am only writing so your honor is notified of the factual presentation I intend to make to the jury.

Just as I can easily prove that Victor Cretella, (as agent of Morral, Estes, Young and allegedly the government) lied to your honor in *Justin Holder v. Christine Morral, et. al*., **Case C-21-CV-21-420**, I can prove that Sarah Spitanlick, (as agent of governement) lied to you in this instant matter. These lies have allegedly "poisoned" your honor, as the pleadings in Ex. T tend to prove. I have submitted video evidence in Plaintiff's Fourth Supplemental Opposition to Defendant's Motion to Dismiss, by video link therein, that at the 18:30 through 23:00 minute mark tends to prove that the government wants to silence met sharp criticism that it is knowingly defrauding the US Environmental Protection Agency. I will represent to this court that the *Justin Holder v. Christine Morral, et. al*., **Case C-21-CV-21-420,** (as discussed therein) was necessary to obtain, (or most likely clarify/declare) that my properties I represent in Keedysville, MD have public road access sufficient to install the sewer line discussed infra, and that the governement just does not want to stop pollution for reason alleged in the case Ex. T was taken from. This same subject matter is now at issues in this instant case until it would be stricken as the Defendants have asked this court to do, upon which time the claim will go to Federal court most likely.

Respectfully submitted,
Justin K. Holder
Justin Holder, *Pro Se*

this part of the schemes to abuse court process and/or with false statements to "Get Justin" by way of "getting" who they believe is his proxy.

1381. Other examples include cherry-picking insensitively worded content from Porter's emails to/with the parties and/or their attorneys and claiming that Plaintiff is "putting him up to it" - which device they have used, variously, to:

a. Seek (and now, ostensibly, obtain) sanctions against Plaintiff

i. *See* the "420" case -the entire record of which is incorporated herein by reference as if fully stated herein and attached hereto as if it were an exhibit hereto; and, in particular, the arguments in this Court on March 7, 2025, wherein the Honorable Judge Sfekas was notably disturbed by Victor Cretella's cherry-picked and out of context recitations of Porter's emails to him in an unrelated matter - a matter the judge found compelling enough to "break character" and chastise both Mr. Porter and Plaintiff's counsel about in open court (it is unclear if this part of the proceeding was "on the record" or not), and then to continue the admonishment outside on the sidewalk in front of the courthouse, where the judge did not immediately recognize that Mr. Porter was standing beside Plaintiff's counsel when he continued to admonish and warn Plaintiff's counsel about Mr. Porter's language as selectively recited by Mr. Cretella, who was representing the Morrals, the Esteses, and the Youngs in that hearing.

ii. This "encounter" - although entirely peaceful and non-threatening in nature - prompted a Sheriff's deputy to exit the courthouse and approach the trio, ostensibly to ensure the safety of the judge. This treatment of the Plaintiff, by and through his proxy and his attorney, is a direct result of the "stigma-plus"

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5 Cornell Avenue
Hagerstown, MD 21742
(240) 528-8150

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damage that the Defendants have inflicted upon the Plaintiff, which has operated to damage Plaintiff's reputation with the Courts and has impaired his ability to find and obtain justice, as they are, regrettably, occasionally successful in leveraging their falsehoods and prior ill-gotten victories into further and greater "iller"-gotten victories.

iii. Judge Sfekas granted the motion for sanctions in the face of effectively the same evidence that had been rejected by this Court in Defendant Young's motion for sanctions in the 371 case - which was also argued by Mr. Cretella. As of this writing, there is no final judgment yet rendered on the sanctions order in the 420 case, and Plaintiff retains his rights to exercise the Court's revisory powers and/or appellate review as may be appropriate, but damages resulting therefrom (which are expressly alleged to be a part of the RICO schemes and enterprises alleged herein) are expected to total about $35,000, or possibly more, depending on any post-trial practice.

b. Expressly strip away Plaintiff's existing right to access public information;

i. *See* Carl Zacarias's abusive (and failed) pursuit (on behalf of DNR, officially, and in furtherance of Kovac's and Ironside's Scheme/enterprise to "Get Justin") of a claim in front of the PIACB to declare Plaintiff a "vexatious" requester in order to take away his right to obtain documents that the PIACB has ordered DNR to produce.

ii. Relatedly, *see also*, the hopefully-soon-to-be-failed HB806 in the 2025 Session which was sponsored by the Attorney General's Office and expressly inspired by the fact that they failed to declare Plaintiff a "vexatious" requester and, so, came

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5 Cornell Avenue
Hagerstown, MD 21742
(240) 528-8150

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E-FILED; Washington Circuit Court
Docket: 6/5/2025 10:53 PM; Submission: 6/5/2025 10:53 PM
Envelope: 21522248

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

DEFENDANT'S MOTION FOR CHANGE OF VENUE (Transfer To A Different Circuit)

Comes now; Defendant Shaun Porter, Pro se, does hereby move this court to change the venue to ensure an impartial Jury Pool under Md. Rule 2-327 (C) (Transfer to a different Circuit) and an unbiased venue given to avoid prejudice against Defendant given the facts that.

1. This case was falsely portrayed on the front page of the local paper of record "The Herald Mail" which has a daily circulation of 60,000 local citizens in a county with 150,000 residents half of which are ineligible or underage. Essentially the whole Jury Pool heard about this case in a false light due to bias on behalf of John Barr who spends more than $100,000 in advertising with said paper, and I believe this was intentional to prejudice the Jury Pool on or about the Friday April 7th Edition front page with Barr's lawyer taunting me about hiring Woody Harrelson from the movie the people versus Larry Flynt where the Campari Advertisement case the sign is a copy of is based on.

2. Every person in said jury pool depends on funding from Board of county Commissioner's President John Barr, Plaintiff.
3. Every member of courthouse staff is funded by the county which is run by Plaintiff John Barr.
4. John Barr is the largest employer so far as he runs the County which employees the most citizens in said Jury Pool.
5. Everyone in Washington County has friends or family or neighbor's dependent on this man and are terrified of him.
6. John Barr's lawyer extorted me see exhibit "A" . If I took down the sign I don't own on the land which is county right of way and deleted social media post that never existed (Clearly marked as a joke) that the $10,000,000 SLAPP suit would go away.
7. John Barr has a reputation in the community of locking up citizens for speaking out against him, such as Curtis Reigh who dared run against John Barr for Commissioner and ask for his resignation , please see video of arrest here; June 3rd 2025 https://youtu.be/TwkZlzLDvV8?si=NFxSGA5INZuqnvRa
8. A visiting Judge is already required, and the one provided has proved extreme bias in Ex Parte communication with the Defendant essentially calling him a piece of shit.
9. For the above reason it would benefit the court for purposes of judicial economy to simply hold this trial in Price George's County where the highest elected official in Washington County (Plaintiff) would get zero special treatment and a registered independent voter like Defendant would also get no special treatment.
10. This would likely only be a one-week trial given the fact that there isn't even an outline of any damages at all, within the massive thirteen-page complaint, which is mostly pictures.

11. I witnessed Curtis Reigh's unlawful arrest for "Trespassing" at an open public meeting in violation of his First Amendment, Fourteenth Amendment and the Open Meetings Act of Maryland two days ago.
12. Citizens including me have been threatened, sued, arrested and intimidates for daring to disagree with this man including State's Attorney Gina Cirincione, Sheriff Brian Albert and every single county employee acting against Barr's interests.
13. John Barr controls $435 Million in spending every year as well as the control of building permits and construction projects that in addition to county jobs represents near total control and power over the local economy which represents extreme undue influence.
14. John Barr is threatening witnesses and protesters alike. Please watch this video where John Barr uses his cell phone he lied and said isn't used for company business to intimidate citizens from showing up to protest his various ceremonies. VIDEO
15. https://www.tiktok.com/@shaun.porter.news/video/7510264547152809246?is_from_webapp=1&sender_device=pc&web_id=7504358474073277983
16. John Barr makes up his own laws and county funded Sheriff's enforce make believe in order not to harm their funding by psycho John Barr. Video https://www.tiktok.com/@shaun.porter.news/video/7501541147328679199?is_from_webapp=1&sender_device=pc&web_id=7504358474073277983
17. John Barr's son David Barr threatened to cause serious bodily injury, implied he was going to kill me in a fifty-nine-minute phone call on June 3rd 2025, and then basically broke down telling me how his dad, though a multimillionaire who is the most powerful man in the county, wouldn't piss on him if he were on fire. John Barr doesn't even enjoy the alleged

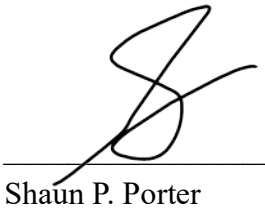
"Good reputation in the community" that he alleges in his SLAPP SUIT with his own CHILDREN!!

18. John Barr's daughter contacted me on social media last Friday indicating that this man has nobody who loves him only those who fear him or depend on him for money, which he has tons of.
19. John Barr has discussed with anyone who will listen his plans to destroy me, putting me in reasonable fear of harm and false arrest. Please see exhibit "B" affidavit of Heather Vickers which also proves fraud and bad faith in filing this suit to stop me from lawful protests and speeches at public meetings.

Conclusion

No reasonable person could ever see a fair Jury, or Bench trial for that matter occurring in a county where the lights in the courthouse are funded by the man who filed the suit. Given the Barr family's propensity to threaten violence and to actually arrest candidates running against him for office , this must require this Honorable Court to transmit the case out of circuit.

Respectfully submitted,



June 5, 2025

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, " DEFENDANT'S MOTION FOR CHANGE OF VENUE (Transfer To A Different Circuit) and related documents. On attorney of record on MDEC and at sarahspitalnickesq@gmail.com. On June 5, 2025.

_____6/5/25

Shaun P. Porter
6583 Edgewood Rd
New Market, MD 21774

E-FILED; Washington Circuit Court
Docket: 6/5/2025 10:53 PM; Submission: 6/5/2025 10:53 PM
Envelope: 21522248

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr,

Plaintiff

V. CASE NO.: C-21-CV-25-000-161
Shaun Porter,

Defendant

****

"AFFADAVIT OF UNDISPUTED FACT"

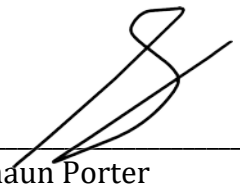
I, Shaun Porter, am over the age of 18 and I am competent to testify about the acts set forth herein.

1. David Barr contacted me on June 3rd 2025 and threatened severe bodily injury / and or death upon me but then had a break down about how shitty his Dad was.
2. John Barr's daughter has sought my friendship online if you know what I mean.
3. John Barr is having anyone who speaks out against him threatened with arrest like the almost dozen times he threatened to arrest me.
4. John Barr had Curtis Reigh arrested for calm polite free speech that called for John Barr to resign.
5. John Barr had a private investigator follow me to find out who my fellow protesters are according to a county employee.
6. John Barr hired Jonathan Gross to stop me and file a $10,000,000 SLAPP lawsuit against me with $9400 in taxpayer dollars according to invoices I poses.

7. The sign in controversy was paid for by Justin Holder and he is co-creator and current owner.
8. The sign is installed on Washington County owned Right of Way.
9. The sign was offered to John if he wanted to be a man and take it, instead he sent an offer which was already complied with regarding taking down defamatory posts when none ever existed.
10. Taking down defamatory parody sign which was re-installed after suit was filed with the words satire on it to set the record straight with the already crystal-clear joke Campari Ad sign.
11. John Barr didn't cease prosecution of the SLAPP suit though the extortion letter was complied with technically, legally, and in layman's understanding prior to the date of April 15th set forth in the extortion email.
12. Defendant did draw a giant black penis in John Barr's mouth on the sign to show my new lower opinion of my highest elected official.

VERIFICATION

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the factual statements numbered 1 through 12 under the heading of "**AFFIDAVIT OF UNDISPUTED FACTS**" herein are true.



_____6/5/2025

Shaun Porter
6583 Edgewood Rd
New Market, MD 21774

E-FILED; Washington Circuit Court
Docket: 6/5/2025 10:53 PM; Submission: 6/5/2025 10:53 PM
Envelope: 21522248

Law Office of Jonathan Gross
2833 Smith Ave., Suite 331
Baltimore, MD 21209
(443) 813-0141
jonathansgross@gmail.com

April 10, 2025

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

Shaun Porter
20033 Cool Hollow Rd.
Hagerstown, MD 21740

Re: Immediate Demand to Remove Defamatory Sign and Social Media Posts

Dear Mr. Porter,

This firm represents John Barr in the above-referenced matter currently pending in the Washington County Circuit Court. We write to formally demand that you immediately remove the sign located at or near your property at 20033 Cool Hollow Rd., Hagerstown, MD 21740, as well as any social media posts in your control, which contain the statements described in the Complaint, including but not limited to the Facebook post from December 13, 2024, described in paragraph 19 of the Complaint. Your continued display of this sign and these social media posts constitutes ongoing harm to our client and his family, exacerbating the severe emotional distress and reputational damage already caused by your actions.

Be advised that if you fail to remove the sign yourself within five (5) days of receipt of this letter, we will have no choice but to seek an injunction from the Washington County Circuit Court compelling its removal and prohibiting further defamatory conduct. We urge you to comply with this demand promptly to avoid additional legal action.

For clarity, neither Mr. John Barr nor any agents acting on his or our behalf will enter your property or attempt to remove the sign themselves. It is your responsibility, Mr. Porter, to remove the sign in its entirety from public view. Our client and his agents will not approach your property, and we expect you to take all necessary steps to comply with this demand without delay.

This letter does not waive or limit any of our client's rights or remedies under the law, all of which are expressly reserved. Should you have any questions or wish to discuss this matter further, you may contact me directly at (443) 813-0141 or via email at Jonathansgross@gmail.com.

Sincerely,
Jonathan Gross
Law Office of Jonathan Gross
MD Bar ID: 1912170138
Counsel for John Barr

cc: Sarah Spitalnick, Esq.
Law Office of Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 6/5/2025 10:53 PM; Submission: 6/5/2025 10:53 PM
Envelope: 21522248

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr,

Plaintiff

V.
Shaun Porter,

CASE NO.: C-21-CV-25-000-161

Defendant

****

****

AFFADAVIT OF FACTS

I, Heather Vickers ,am over the age of 18 and I am competent to testify about the acts set fort h herein.

1. I live in Washington County.
2. I have followed Shaun Porter's social media comedy posts for roughly five years.
3. I have been cut off speaking at a public meeting by John Barr in the past.
4. I have seen Shaun's political comedy signs in person on route 40 multiple times.
5. My favorite was a sixteen-foot cartoon penis with Joe Biden's face as the dickhead.
6. I contacted John Barr by email on or about April 11, 2025.

7. I pretended to be against Shaun Porter to see if he would make compromising statements that could be used to expose how corrupt he and the county are.
8. John Barr emailed me his cell phone not knowing who I was.
9. On or about April 11,2025 I called John Barr.
10. John Barr explained he did not know why Porter was protesting him at county meetings.
11. John Barr said something to the effect of "the peace orders didn't work so I filed a lawsuit and that should stop him".
12. John Barr informed me that Porter was served a lawsuit that day to stop his protests.
13. John Barr didn't mention amount or subject of lawsuit as if it was not even a concern.
14. John Barr was extremely confident that the lawsuit would stop Shaun Porter.
15. I have knowledge that Shaun Porter never stops protesting and that things would escalate rather than subside.
16. I contacted Shaun Porter and sent him a screenshot of the email and outgoing call to John Barr's cell phone.
17. We discussed only county related business on his cell phone.
18. John rambled on for almost ten minutes mostly about Mr. Eby's solar panel farm that is being protested.

19. John Barr indicated he was working on behalf of the project's approval.

20. John Barr seemed to be extremely angry with protesters in general and acted entitled not to be questioned.

21. I am willing to testify at Shaun Porter's trial.

VERIFICATION

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the factual statements numbered 1 through 21 under the heading of "**AFFIDAVIT OF UNDISPUTED FACTS**" herein are true.

6/4/2025

Heather Vickers
17412 Cindy Lane
Hagerstown, MD 21740

E-FILED; Washington Circuit Court
Docket: 6/5/2025 11:25 PM; Submission: 6/5/2025 11:25 PM
Envelope: 21522301

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

MOTION FOR LEAVE TO EXAMINE JOHN BARR

Comes now; Defendant, Shaun Porter, Pro se, ("Mr. Porter") and in obeyance of this court's May 20th, 2025, order, and in accordance of Md. Rule 23-11, 2-401(C) request leave to examine John Barr at a deposition limited to evidence that is germaine to Mr. Porter's,

"DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, VIOLATION OF MARYLAND'S ANTI-SLAPP STATUTE AND/OR FOR SUMMARY JUDGMENT (Expedited Hearing Requested)"," DEFMTD"

preliminary hearing. The defendant seeks relevant facts related to claims that Plaintiff has suffered $10,000,000 in compensatory damages or has suffered any damage at all. Plaintiff falls short in outlining any way in which the court or this Defendant could even begin to understand $10,000,000 in damages from a political yard sign against John Barr, the highest-ranking elected official in Washington County.

The fundamental objective of discovery is to advance "the sound and expeditious administration of justice" by "eliminat[ing , as far as possible, the necessity of any party to litigation going to trial in a confused or muddled state of mind, concerning the facts that gave rise to the litigation." Baltimore Transit Co. v. Mezzanotti 227 Md.8,13 (1961). .

In other words, the mere existence of a scintilla of evidence in support of the plaintiffs' claim is insufficient to preclude the grant of summary judgment; there must be evidence upon which the jury could reasonably find for the plaintiff. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-52 (1986). Recognizing that in Clea v. City of Baltimore, 312 Md. 662, 678, (1988),that while a court must resolve all inferences in favor of the party opposing summary judgment, "[t]hose inferences ... must be reasonable ones."

Defendant challenged Plaintiff under the following heading and description.

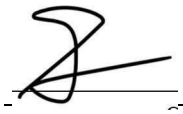
"PLAINTIFF FACTS THAT CAN NEVER PROVE- CHALLENGE TO PLAINTIFF TO BRING FORTH ADMISSABLE EVIDENCE TO PORVE THESE ABSURD ALLEGATIONS REDNDERING THE COMPLAINT BASELESS AND IMPOSSIBLE TO PREVAIL IN. Defendant cannot disprove a negative, and therefore Defendant Challenges John Barr to bring forth any admissible evidence that supports the allegations contained herein because Defendant knows Plaintiff cannot and will not." DEFMTD pp. 8-11, and Defendant incorporates all of the indisputably false facts set forth therein by reference.

After Defendant brought forth sufficient evidence in his DEF MTD by affidavit, shifting the burden to Plaintiff. Plaintiff has utterly failed to bring forth any admissible evidence whatsoever in accordance with Md. Rule 2-501(b), instead baldly alleging Plaintiff needs some unspecified evidence in accordance with rule 2-501(d). See Plaintiff opposition to DEF MTD .

Conclusion

A victim of a $10,000,000 SLAPP suit for speaking out against the Corrupt John Barr, is entitled to depose Plaintiff about the facts and there is no good faith basis for this court to deny the deposition any longer. Defendant request the court allow the deposition of John Barr to prepare his case for trial.

Respectfully submitted,



6/5/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant, Shaun Porter, Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, Motion for Leave on attorney of record at sarahspitalnickesq@gmail.com on 6/5/25

6/5/25

Shaun Porter, Defendant

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

LINE

Comes now; Defendant, Shaun Porter, Pro se, does hereby seek to add supplemental exhibits to the record for use in all prior motions, including but not limited to, "Motion to Recuse", Motion for Change of Venue", " Motion for Leave to Examine John Barr" , Motion To Dismiss Under Maryland Anti-SLAPP Statue, or in the Alternative Motion for Summary Judgement". I was having technical difficulties when trying to MDEC these exhibits on the fifth of June and I am a full time father of a disabled son, and have to deal with his mentally retarded mother (my opinion).

Supplemental Exhibits are as Follows

C. Proof of Contaminated Jury Pool

D. & D. 2 Proof of violence/death by John Barr's Son David Barr

E. Proof of Molestation allegations from daughter in law Julie Barr

F. Proof of illegal Government (crossed out name of government substituted with employee

Names on three fake baseless humiliating defamatory peace orders)

G. Proof of John Barr cell phone use for county /public business

H. Proof of unsealed unexpunged molestation accusations

I. Proof of ATTORNEYS BEING PAID BY COUNTY TO SUE A VOTER TO STOP PROTESTS

J. Proof of citizens arrested for free speech and are terrorized by Barr

Respectfully submitted,

6/6/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant, Shaun Porter, Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, Motion for Leave on attorney of record at sarahspitalnickesq@gmail.com on 6/6/25

6/6/25

Shaun Porter, Defendant

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

Top seeds set for Lone Star stakes

SPORTS, 1B

MARYLAND | PENNSYLVANIA | WEST VIRGINIA

The Herald-Mail

SATURDAY, APRIL 5, 2025 | HERALDMAILMEDIA.COM

HAGERSTOWN, MD. | PART OF THE USA TODAY NETWORK

Barr files $10M defamation lawsuit

Julie E. Greene
The Herald-Mail
USA TODAY NETWORK

Washington County Commissioners President John Barr has filed a $10 million defamation lawsuit against a county man regarding actions including a large sign posted publicly which the complaint says contains "false and defamatory statements" about Barr. The complaint was filed March 31 in Washington County District Court.

The complaint accuses Shaun Porter of defamation, intentional infliction of emotional distress and invasion of privacy for both the public disclosure of private informationand accusations made in a false light.

Among the allegations Barr makes in the complaint are that Porter publicized Barr's private cellphone number on social media, resulting in Barr receiving a "deluge of offensive and threatening phone calls from unknown numbers" appearing to come from across the country.

"The calls became so disruptive that Barr could no longer use his phone for incoming calls and was forced to let all

See LAWSUIT, Page 3A

Former treasurer charged with stealing from Hagerstown Area PAL

Julie E. Greene
The Herald-Mail
USA TODAY NETWORK

A Greencastle, Pa.-area woman h
been charged, via an indictment, wi
felony theft scheme for allegedly stea
ing money from the nonprofit Hager
town Area Police Athletic League, a

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
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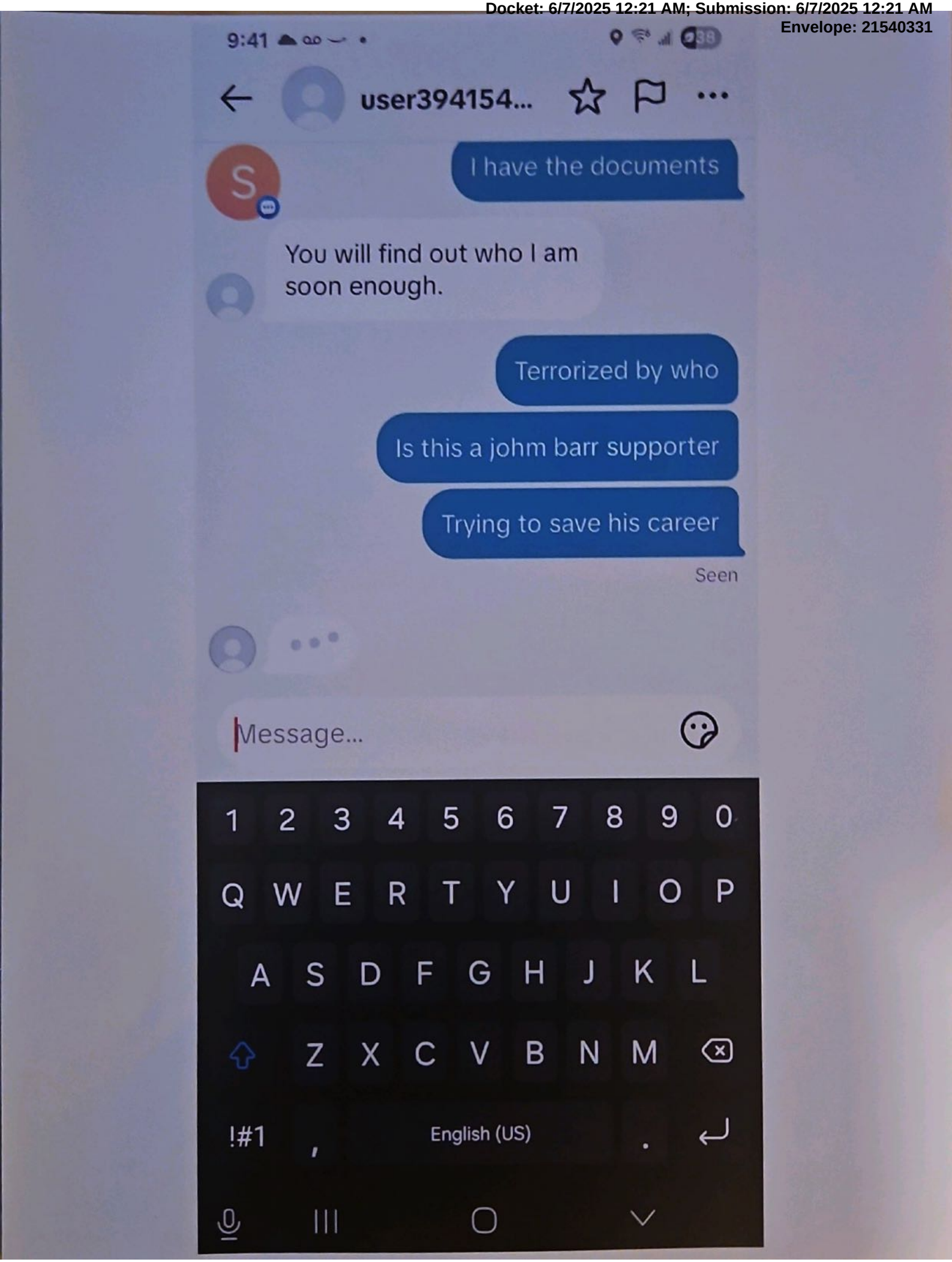
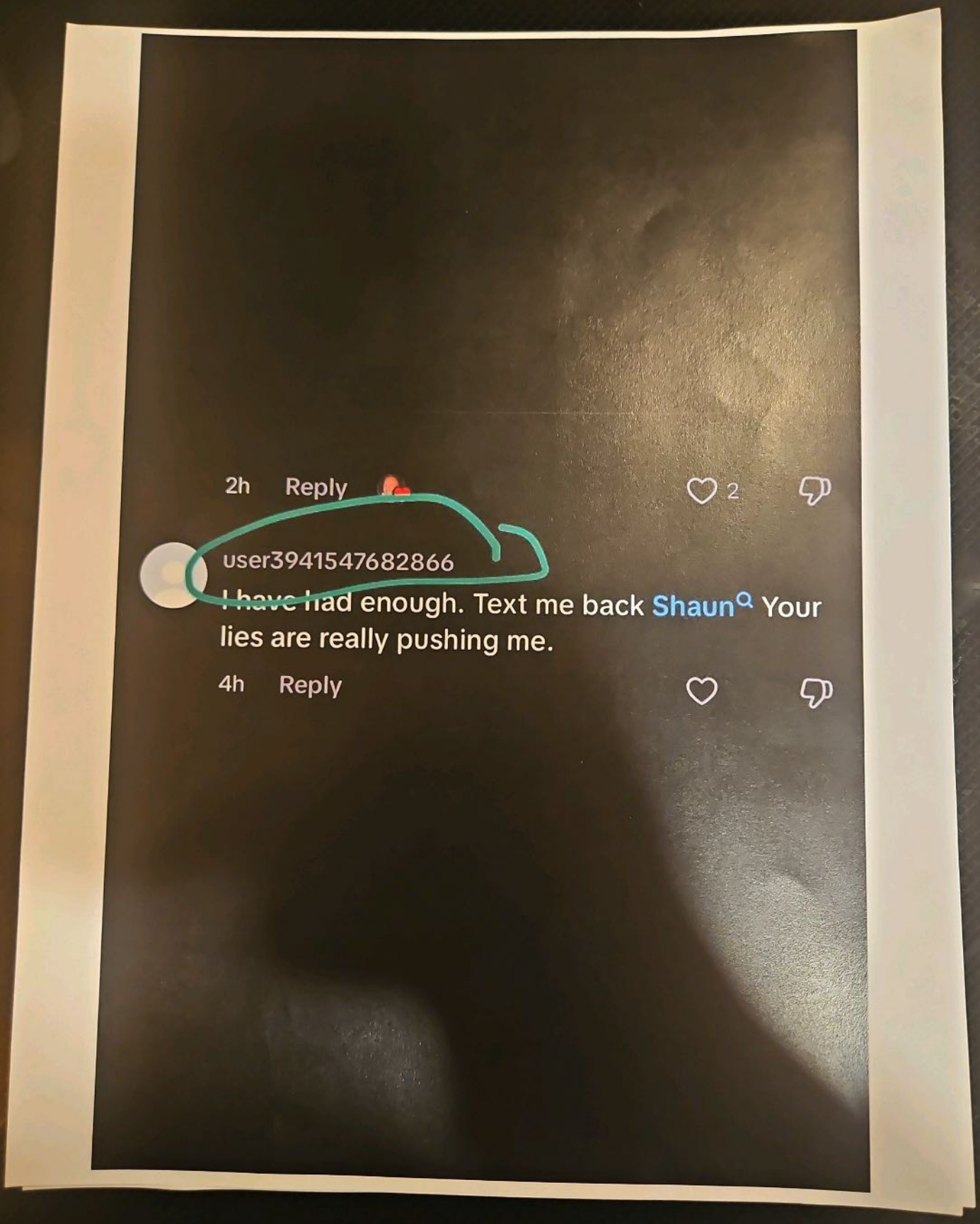
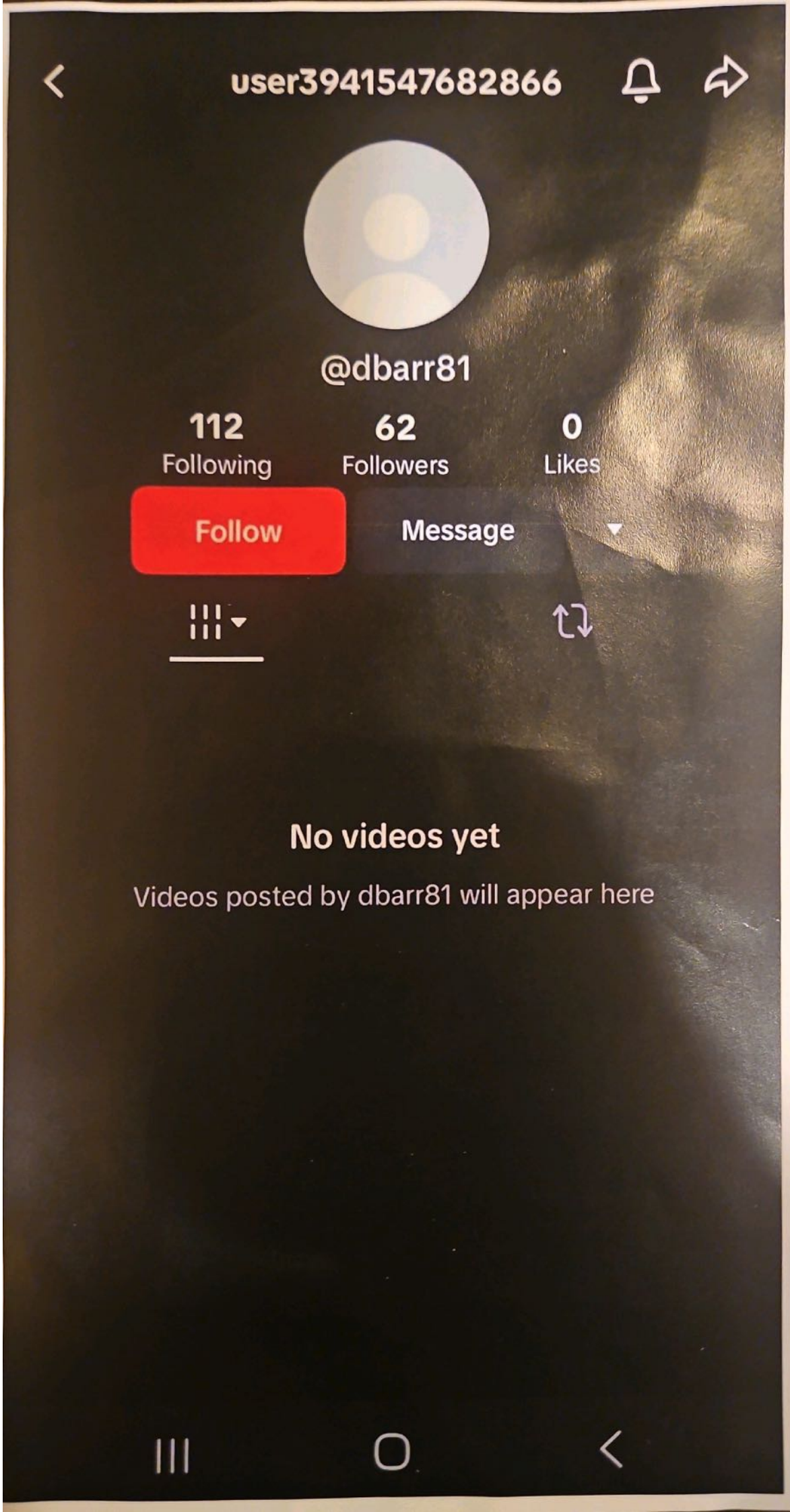

9:41
user394154...
I have the documents
You will find out who I am soon enough.
Terrorized by who
Is this a johm barr supporter
Trying to save his career
Seen
Message...
1 2 3 4 5 6 7 8 9 0
Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M
!#1
English (US)

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

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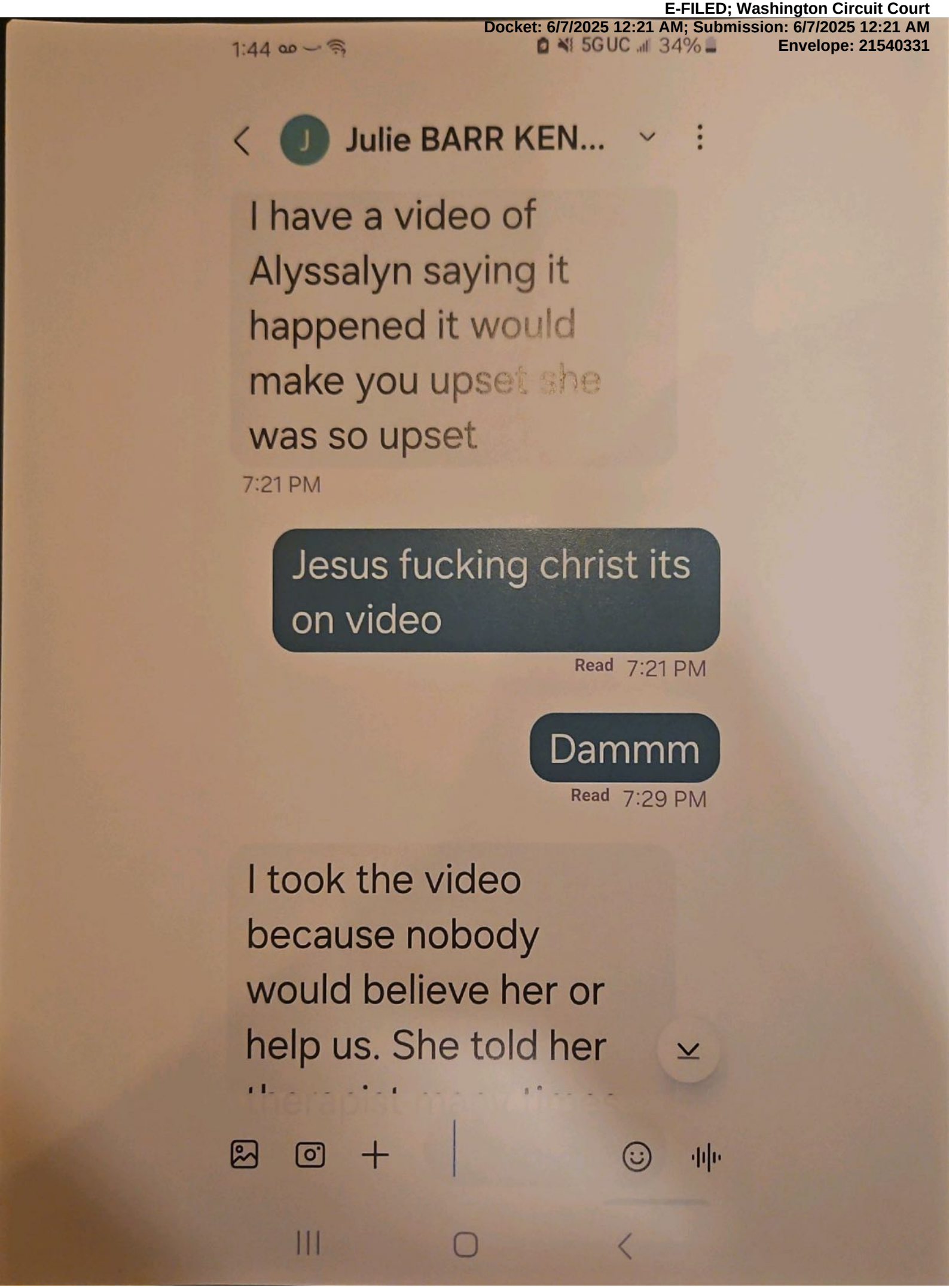
@dbarr81
112
Following
62
Followers
0
Likes
Follow
Message
No videos yet
Videos posted by dbarr81 will appear here

10:03
5Guc
93
Private number
Yesterday
10:47 PM
Incoming call, 59 mins 54 sec
Delete

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331


1:44
5GUC 34%
Julie BARR KEN...
I have a video of Alyssalyn saying it happened it would make you upset she was so upset
7:21 PM
Jesus fucking christ its on video
Read 7:21 PM
Dammm
Read 7:29 PM
I took the video because nobody would believe her or help us. She told her

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

☐ **Mark this box if this form contains Restricted Information.**

DISTRICT COURT OF MARYLAND FOR Washington County
City/County

Located at 36 W. Antietam Street, Hagerstown, MD 21740-5524 **Telephone** (240) 420-4600
Court Address

DAWN MARCUS **Case No.** D11CV25 811794

NOTE: Respondent will be served a copy of this completed document. Petitioner does not need to give an address if doing so risks further harm.

~~Board of County Commissioners of Washington County~~ Petitioner (Person seeking protection)	vs.	Shaun Porter Respondent (Person alleged to have committed the prohibited act)
100 W. Washington St. Suite 1101 Street Address, Apt. No.		20033 Cool Hollow Road Street Address, Apt. No.
Hagerstown, MD 21740 City, State, Zip	Home: Work: 2403132235 Telephone Number(s)	Hagerstown, MD 21740 City, State, Zip — Home: Work: Telephone Number(s)

PETITION FOR PEACE ORDER
(Courts and Judicial Proceedings § 3-1503)

If this submission contains Restricted Information (confidential by statute, rule, or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission and check the Restricted Information box on this form.

1. I (the petitioner) am seeking protection from the respondent Shaun Porter (Name) for
☐ myself ☐ a minor child over whom I have custody or guardianship ☐ my minor child(ren) who is/are not in my custody
_____ (Name(s) of children) ☐ an adult over whom I have guardianship or Power of Attorney
_____ (Name) ☒ my employee Dawn Marcus (Name) for an act or acts that occurred at the employee's workplace
as a result of the following act(s) committed by the respondent **within the last 30 days** on the dates stated below (***check all that apply***):

☐ kicking ☐ punching ☐ choking ☐ slapping ☐ shooting ☐ hitting with object ☐ stabbing ☐ shoving
☒ threats of violence ☒ harassment ☐ stalking ☐ detaining against will ☐ trespass
☐ malicious destruction of property ☐ misuse of telephone facilities and equipment
☐ misuse of electronic communication or interactive computer service ☐ revenge porn ☐ visual surveillance
☐ other _____

The details of what happened are: See Attached Statement
(Give specific details of what happened, when and where it happened, and any injuries sustained.)

2. ☐ **I am filing this petition on behalf of my minor child(ren) who is/are not in my custody. The minor child(ren) is/are in the care, custody or guardianship of:** _____ (Name) **, who resides at:** _____ (Address).

3. ☐ I am the legal guardian of the minor child(ren) for whom relief is sought. The parents of the child(ren are:

Child's Name	Parent's Name	Parent's Address

4. I know of the following court cases involving the respondent and the person(s) for whom I am seeking protection:

Court	Kind of Case	Year Filed	Results or Status (if you know)

RECEIVED
MAR 20 2025

☐ Mark this box if this form contains Restricted Information.

DISTRICT COURT OF MARYLAND FOR Washington County
City/County

Located at 36 W. Antietam Street, Hagerstown, MD 21740-5524
Court Address

Telephone (240) 420-4600

JONATHAN HOROWITZ

Case No. D112CV25811793

NOTE: Respondent will be served a copy of this completed document. Petitioner does not need to give an address if doing so risks further harm.

~~Board of County Commissioners of Washington County~~	vs.	Shaun Porter
Petitioner (Person seeking protection)		Respondent (Person alleged to have committed the prohibited act)
100 W. Washington St. Suite 1101		20033 Cool Hollow Road
Street Address, Apt. No.		Street Address, Apt. No.
Hagerstown, MD 21740		Hagerstown, MD 21740
City, State, Zip		City, State, Zip
Home:		Home:
Work: 2403132235		Work:
Telephone Number(s)		Telephone Number(s)

PETITION FOR PEACE ORDER
(Courts and Judicial Proceedings § 3-1503)

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☐ myself ☐ a minor child over whom I have custody or guardianship ☐ my minor child(ren) who is/are not in my custody
_____ (Name(s) of children) ☐ an adult over whom I have guardianship or Power of Attorney
_____ (Name) ☒ my employee Jonathan Horowitz (Name) for an act or acts that occurred at the employee's workplace
as a result of the following act(s) committed by the respondent **within the last 30 days** on the dates stated below (***check all that apply***):

☐ kicking ☐ punching ☐ choking ☐ slapping ☐ shooting ☐ hitting with object ☐ stabbing ☐ shoving
☒ threats of violence ☒ harassment ☐ stalking ☐ detaining against will ☐ trespass
☐ malicious destruction of property ☐ misuse of telephone facilities and equipment
☐ misuse of electronic communication or interactive computer service ☐ revenge porn ☐ visual surveillance
☐ other _____

The details of what happened are: See Attached Statement
(Give specific details of what happened, when and where it happened, and any injuries sustained.)

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3. ☐ I am the legal guardian of the minor child(ren) for whom relief is sought. The parents of the child(ren are:

Child's Name	Parent's Name	Parent's Address

4. I know of the following court cases involving the respondent and the person(s) for whom I am seeking protection:

Court	Kind of Case	Year Filed	Results or Status (if you know)
			RECEIVED
			MAR 2 0 2025

DIST. COURT OF MD 11-02

☐ Mark this box if this form contains Restricted Information.

DISTRICT COURT OF MARYLAND FOR Washington County
City/County

Located at 36 W. Antietam Street, Hagerstown, MD 21740-5524 Telephone (240) 420-4600
Court Address

MICHELLE GORDON Case No. D11CV25811795

NOTE: Respondent will be served a copy of this completed document. Petitioner does not need to give an address if doing so risks further harm.

~~Board of County Commissioners of Washington County~~	vs.	Shaun Porter
Petitioner (Person seeking protection)		Respondent (Person alleged to have committed the prohibited act)
100 W. Washington St. Suite 1101		20033 Cool Hollow Road
Street Address, Apt. No.		Street Address, Apt. No.
Hagerstown, MD 21740		Hagerstown, MD 21740
City, State, Zip		City, State, Zip
Home:		Home:
Work: 2403132235		Work:
Telephone Number(s)		Telephone Number(s)

PETITION FOR PEACE ORDER
(Courts and Judicial Proceedings § 3-1503)

If this submission contains Restricted Information (confidential by statute, rule, or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission and check the Restricted Information box on this form.

1. I (the petitioner) am seeking protection from the respondent Shaun Porter for
Name

☐ myself ☐ a minor child over whom I have custody or guardianship ☐ my minor child(ren) who is/are not in my custody

_____ ☐ an adult over whom I have guardianship or Power of Attorney
Name(s) of children

_____ ☒ my employee Michelle Gordon for an
Name Name

act or acts that occurred at the employee's workplace
as a result of the following act(s) committed by the respondent **within the last 30 days** on the dates stated below
(***check all that apply***):

☐ kicking ☐ punching ☐ choking ☐ slapping ☐ shooting ☐ hitting with object ☐ stabbing ☐ shoving
☒ threats of violence ☒ harassment ☐ stalking ☐ detaining against will ☐ trespass
☐ malicious destruction of property ☐ misuse of telephone facilities and equipment
☐ misuse of electronic communication or interactive computer service ☐ revenge porn ☐ visual surveillance
☐ other _____

The details of what happened are: See Attached Statement
(Give specific details of what happened, when and where it happened, and any injuries sustained.)

2. ☐ **I am filing this petition on behalf of my minor child(ren) who is/are not in my custody. The minor child(ren) is/are in the care, custody or guardianship of:** _____ **, who resides at:**
Name

_____ .
Address

3. ☐ I am the legal guardian of the minor child(ren) for whom relief is sought. The parents of the child(ren are:

Child's Name	Parent's Name	Parent's Address

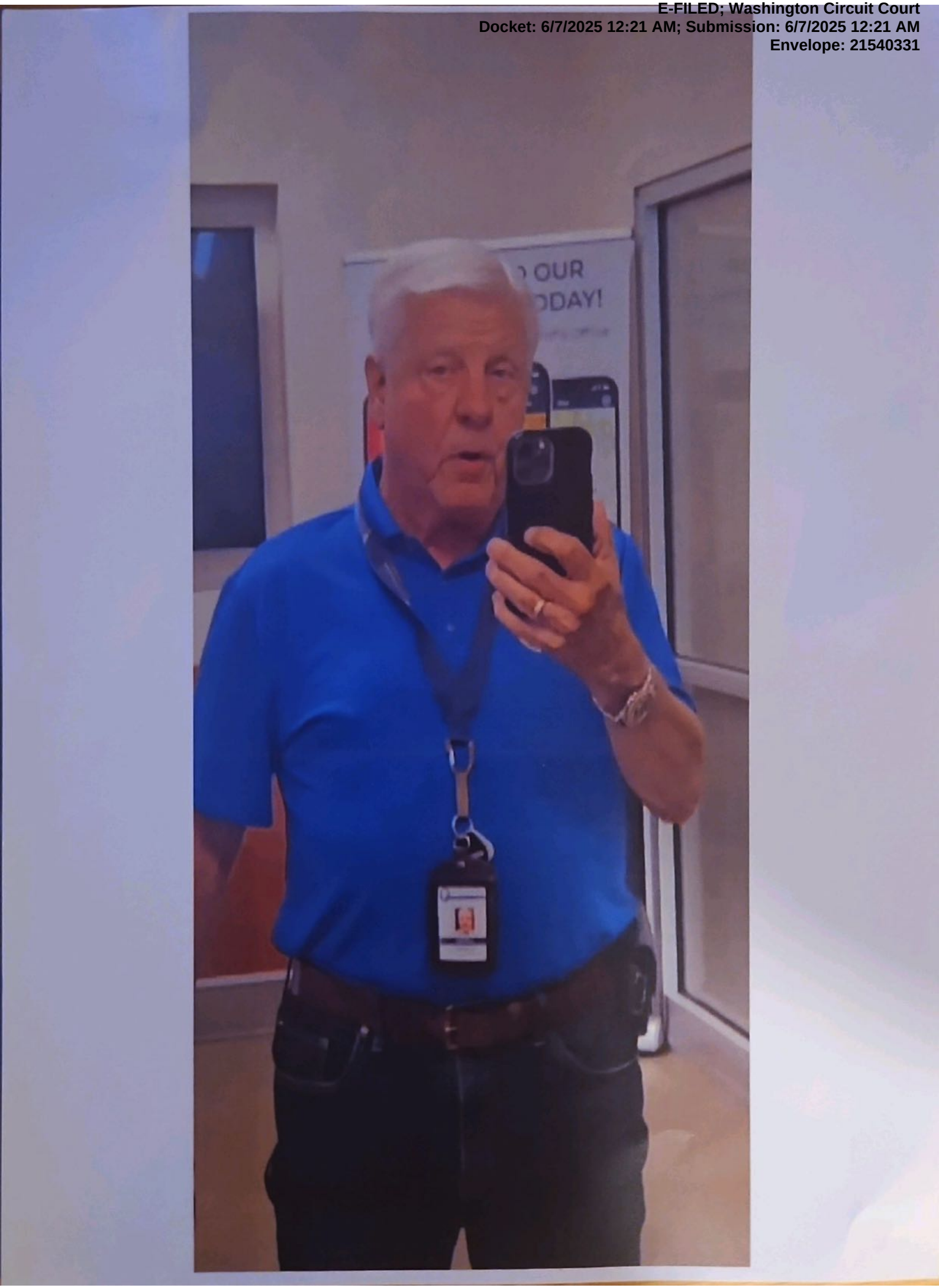
4. I know of the following court cases involving the respondent and the person(s) for whom I am seeking protection:

Court	Kind of Case	Year Filed	Results or Status (if you know)

RECEIVED
MAR 2 0 2025

DIST. COURT OF MD 11-02

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331



Jason Morton

From: Jason Morton
Sent: Thursday, September 27, 2018 4:00 PM
To: 'tmallon@mallon-jurisprudence.com'; Eric Andrews (ebalaw@verizon.net)
Subject: Barr matter -- Mr. Barr's access this weekend

Gentlemen –

I am writing about Mr. Barr's access with Alyssa, Gabbie and Brantlee for this weekend. Per the Interim Custody Order of September 10, 2018, Dave's access is scheduled to begin Friday at 4:30 p.m. and conclude Sunday at 8:30 p.m.. Pick up and drop off is occur at the Huyetts Sheetz, per the agreement of the parties.

Dave did not have his scheduled visitation last night. He texted Julie multiple times from Sheetz and got new response. She called him around 6:00, said "You're not getting the kids" and hung up. She never gave any reason for denying him access. He texted her today and asked her to confirm that visitation will occur this weekend, but she has not responded.

Dave just got a call from a Washington County DSS worker (Rachel Mazloum) who said that Alyssa will undergo a forensic interview next week in Frederick County, because of new allegations of sexual abuse, allegedly perpetrated by Dave's father. Mind you, Alyssa already submitted to a forensic interview in Frederick County, because Julie believed that Washington County DSS was biased toward Dave's father. FCDSS did not find any merit to the allegations. Suffice it to say that Dave is frustrated that his daughter is again being subjected to an intrusive interview, and that his father's name is again being smeared.

Dave is planning on staying at his parents' residence this weekend when he has the children. However, his parents will be in Florida during the duration of the weekend. So there is absolutely no reason that visitation should not go forward, per the Interim Order. I am asking, Tom, that you confirm via e-mail that visitation will occur per the terms of the Interim Order. And if Eric has any objection to visitation moving forward per the Order, I would appreciate hearing from him.

Thanks,

Jason

Jason Morton
Law Offices of Salvatore & Morton, LLC
82 West Washington Street
Suite 100
Hagerstown, Maryland 21740
(tel) 301/739-3600
(fax) 301/797-6065

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Please note that my new email address is jmorton@salvatoremorton.com *and please use this address from this point forward. Thank you.*

E-FILED
Washington Circuit Court
10/9/2018 11:23 AM

Jason Morton

From: Jason Morton
Sent: Friday, September 28, 2018 11:48 AM
To: 'ebalaw@verizon.net'; tmallon@mallon-jurisprudence.com
Subject: RE: Barr Matter

Gentlemen –

I have shared this e-mail with Dave, and he assures me (as I said in yesterday's e-mail) that his parents are in Florida for the weekend and will have no contact with the children. Therefore, visitation should go forward as planned. Dave will be at Sheetz at 4:30 this afternoon, per the terms of the Interim Order.

Dave also informed me that Rena Arnold, Alyssa's therapist, did not say that the Alyssa should not be in the presence of Mr. Barr's parents (assuming they are the two individuals whom Julie did not want to name), but Eric can confirm that when he speaks with Ms. Arnold.

If Julie will make sure that visitation this weekend occurs per the Interim Order, then I do not see the need for any further discussion regarding this matter. But I will be in the office until 4:00 p.m. today if needed.

Jason

Jason Morton
Law Offices of Salvatore & Morton, LLC
82 West Washington Street
Suite 100
Hagerstown, Maryland 21740
(tel) 301/739-3600
(fax) 301/797-6065

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Please note that my new email address is jmorton@salvatoremorton.com *and please use this address from this point forward. Thank you.*

From: ebalaw@verizon.net <ebalaw@verizon.net>
Sent: Friday, September 28, 2018 10:46 AM
To: Jason Morton <jmorton@salvatoremorton.com>; tmallon@mallon-jurisprudence.com
Subject: Barr Matter

Gentlemen,

In follow-up to Mr. Morton's email, I have spoken with Julie Barr who indicates that Alyssa informed her pediatrician yesterday of the alleged sexual abuse and that said doctor reported same. Moreover, Julie informed me that Alyssa has repeated similar allegations to her therapist who has instructed David that she is not to be around two individuals (which she did not name due to her being in a public place). Jason, please speak with David to confirm or deny same. I am currently scheduled to meet with Alyssa on Monday morning at 9:30 a.m. and will follow-up thereafter.

As to David's requested access this weekend, based upon Jason's assurance that David's parents will not be present in Washington County this weekend as well as David's further assurance that his access with the children will be restricted to his children and him, I see no reason why the Consent Order should not be followed. I defer to the two of you and your clients but if you should have any questions, please do not hesitate to contact me.

Eric

Law Office of Eric B. Andrews, P.C
Eric B. Andrews, Esquire
5 Public Square, Ste. 306
Hagerstown, MD 21740
(tel) 301-745-4142
(fax)301-739-6439

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E-FILED
Washington Circuit Court
10/9/2018 11:23 AM

Jason Morton

From: Eric Andrews <ebalaw@verizon.net>
Sent: Friday, September 28, 2018 3:55 PM
To: Jason Morton
Cc: tmallon@mallon-jurisprudence.com
Subject: Re: Barr Matter

Tom,

What turn of event are you referring to? Although David disputes the allegations of sexual abuse, I believe he has nonetheless provided proper assurances and the allegations do not involve him.

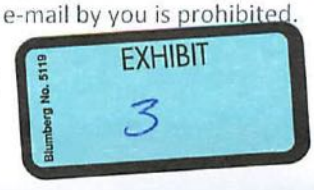
The prior incident you refer to involved alleged corporal punishment of their youngest son and not Alyssa. I encourage you to speak with Julie regarding the importance of David enjoying his court ordered access.

Eric

Sent from my iPhone

On Sep 28, 2018, at 1:17 PM, Jason Morton <jmorton@salvatoremorton.com> wrote:

> Tom –
>
> I dispute there has been any pattern of conduct by Dave, and I ask that you have Julie reconsider her position immediately.
>
> If Julie denies visitation this weekend, that would be the second instance in a span of days in which she has defied a court order. (To date, neither you nor she has given any explanation why Julie denied Dave's scheduled visitation on Wednesday evening.)
>
> In addition, her denial of visitation is **contrary to the recommendation of the children's best interest attorney**.
>
> If Julie denies visitation with the children this weekend, then I will be filing a petition for contempt first thing on Monday, and seeking an award of attorney's fees pursuant to Family Law Code Ann. §9-105. It is within Julie's power to prevent that from happening.
>
> Jason
>
> Jason Morton
> Law Offices of Salvatore & Morton, LLC
> 82 West Washington Street
> Suite 100
> Hagerstown, Maryland 21740
> (tel) 301/739-3600
> (fax) 301/797-6065
>
> This e-mail message (including any attachments thereto) is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this e-mail by you is prohibited.



Please note that my new email address is jmorton@salvatoremorton.com and please use this address from this point forward. Thank you.

From: tmallon@mallon-jurisprudence.com <tmallon@mallon-jurisprudence.com>
Sent: Friday, September 28, 2018 12:03 PM
To: ebalaw@verizon.net; Jason Morton <jmorton@salvatoremorton.com>
Subject: RE: Barr Matter

Gentlemen,

I appreciate the assurances that have been made, however, there has been a pattern with David that when he is frustrated and angry about the turn of event in his case he takes this anger and frustration out on the children. I remind you both it was just hours after our last court appearance that he hit his son hard enough to leave marks for hours. It is also my understanding that when Davis is not directly involved in trying to influence the younger children, the older children get directly involved.

For these reasons I do see a need to temporarily suspend this weekend's visitation.

Sincerely,

Thomas Mallon, Esquire
Law Office of Thomas K. Mallon, LLC
1107 Kenilworth Drive, Suite 305
Towson, Maryland 21204
410 847-9075 (Office)
410 847-9078 (Facsimile)
240 888-0000 (Mobile)
tmallon@Mallon-Jurisprudence.com

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IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein

Attorney Client Privilege Asserted in All Electronic Communications

From: ebalaw@verizon.net <ebalaw@verizon.net>
Sent: Friday, September 28, 2018 10:46 AM
To: jmorton@salvatoremorton.com; tmallon@mallon-jurisprudence.com
Subject: Barr Matter

Gentlemen,

In follow-up to Mr. Morton's email, I have spoken with Julie Barr who indicates that Alyssa informed her pediatrician yesterday of the alleged sexual abuse and that said doctor reported

same. Moreover, Julie informed me that Alyssa has repeated similar allegations to her therapist who has instructed David that she is not to be around two individuals (which she did not name due to her being in a public place). Jason, please speak with David to confirm or deny same. I am currently scheduled to meet with Alyssa on Monday morning at 9:30 a.m. and will follow-up thereafter.

As to David's requested access this weekend, based upon Jason's assurance that David's parents will not be present in Washington County this weekend as well as David's further assurance that his access with the children will be restricted to his children and him, I see no reason why the Consent Order should not be followed. I defer to the two of you and your clients but if you should have any questions, please do not hesitate to contact me.

Eric

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5 Public Square, Ste. 306
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(tel) 301-745-4142
(fax)301-739-6439

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ANSWER NO. 27: At the time of our separation back in June, I was hopeful that we could work out a custody arrangement quickly, and which provided us both substantial access to the children. Both of us played a large role in their upbringing. However, Julie's conduct (some while we lived together and particularly after our separation) concern me that she may not be fit to have care and custody of the children. Julie gets mad and breaks things belonging to the kids and or her. Last May, she got so angry that she punched the rearview mirror and broke it and the windshield in my van, while Alyssa was in the front seat. She said at the emergency hearing that she accidentally swung her arms up because I had provoked her. Julie is very abusive to the children, physically and mentally. She has threatened the kids several times. She physical assaulted

Jesscella to the point of Klayton having to restrain her. She also bit Alyssa on the thumb out of anger. She also hit Brantlee in the face in front of Klayton and I at Clear Spring Middle School after the order of no corporal punishment was put in place. Perhaps the worst thing she has done is to continue to encourage Alyssa's false narrative of abuse at the hands of my father, despite not a shred of evidence and despite investigations by multiple DSS workers in Frederick and Washington Counties. This is incredibly confusing and stressful to a young child. It has driven a wedge (already there when Julie attacked Jesscella) between Julie and Klayton and Jesscella. And it has kept me from spending time at my parents' home when they are present because of the DSS safety plan which is currently in effect. Julie has announced to strangers at the Eastern Elementary School Cross Country Run that my father is a child abuser. Nothing could be further from the truth. See list of witnesses that will testify to these cases. Julie regularly would grab Jesscella by the hair and pull her. During the separation the police were at the house 2 or 3 times for these incidents. I also have a voicemail from Jesscella where

E-FILED
Washington Circuit Court
Docket Date: 11/28/2018 11:38 AM
Submission Date: 11/28/2018 11:38 AM

JULIE MARIE BARR,	*	IN THE
Plaintiff/Counter-Defendant	*	CIRCUIT COURT FOR
v.	*	FOR WASHINGTON COUNTY,
DAVID L. BARR,	*	MARYLAND
Defendant/Counter-Plaintiff	*	CASE NO. C-21-FM-18-000928

* *

OPPOSITION TO MOTION TO QUASH, OR IN THE ALTERNATIVE, FOR PROTECTIVE ORDER AND SUPPORTING AUTHORITY

David L. Barr, Defendant/Counter-plaintiff, by Jason Morton, his attorney, requests that the Court deny the Motion to Quash Subpoena, or in the Alternative, for Protective Order and Supporting Authority, filed in this action by the Frederick County Department of Social Services, and for reasons states:

1. This is a divorce action which is scheduled for a *Pendente Lite* Hearing on December 4, 2018. Among the contested issues are custody and visitation of the parties' five (5) minor children.

2. The Plaintiff has made repeated allegations of sexual abuse of the parties' minor children by a third party. The allegations were investigated by the Frederick County Department of Social Services, at the insistence of the Plaintiff, who has alleged that the Washington County Department of Social Services would not perform an objective investigation into this matter.

3. Upon information and belief, all of the allegations of sexual abuse have been ruled out. In addition, as a result of the

E-FILED
Washington Circuit Court
Docket Date: 11/27/2018 1:37 PM
Submission Date: 11/27/2018 1:37 PM

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-FM-18-000928

STATE OF MARYLAND
or
JULIE MARIE BARR
Plaintiff

vs.

DAVID L. BARR
Defendant

TO: Kelly Lawson
Name
1888 North Market St.
Address 1

Address 2
Frederick, MD 21701
City, County, State, Zip

Issue Date: 11/26/2018
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:
Circuit Court for Washington County, Maryland
Address of Court or Other Location
24 Summit Ave., Hagerstown, MD 21740
City, State, Zip
On December 4, 2018 (Date) at 1:30 (Time) ☐ a.m ☒ p.m.

☒ To testify in the above case, and/or

☒ To produce the following documents, items, and information, not privileged: Any and all documents relating to investigations into allegations of abuse and/or neglect of Jescella Barr, Klayton Barr, Alyssa Lynn Barr, Gabriella Barr and/or Brantlee Barr.

☐ To produce, permit inspection and copying of the following documents or other tangible items:

David L. Barr
Requested By
requested issuance of this subpoena. Questions should be referred to:

Jason Morton
Name
301-739-3600
Phone

82 W. Washington St., Suite 100
Address
Hagerstown, MD 21740
City, State, Zip

Special Message:

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Kevin Tucker, Acting Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s):
on the following date: by the following method (specified as required by Rule 2-126):

Signature

Printed Name

E-FILED
Washington Circuit Court
Docket Date: 11/28/2018 11:38 AM
Submission Date: 11/28/2018 11:38 AM

JULIE MARIE BARR,	*	IN THE
Plaintiff/Counter-Defendant	*	CIRCUIT COURT FOR
v.	*	FOR WASHINGTON COUNTY,
DAVID L. BARR,	*	MARYLAND
Defendant/Counter-Plaintiff	*	CASE NO. C-21-FM-18-000928

* *

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E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

Law Office of Jonathan Gross

TRUST REQUEST

2833 Smith Ave, Suite 331
Baltimore, MD 21209

Date: 03/19/2025
Due Upon Receipt

Washington County

Outstanding Trust Request

Date	Notes	Total
03/19/2025		$5,000.00
	Total	**$5,000.00**

Please make all amounts payable to: Law Office of Jonathan Gross

Law Office of Jonathan Gross

INVOICE

2833 Smith Ave, Suite 331
Baltimore, MD 21209

Date: 04/30/2025
Due On: 05/30/2025

Washington County

Type	Date	Notes	Quantity	Rate	Total
Service	03/13/2025	Review: [redacted]	0.66	$450.00	$297.00
Service	03/14/2025	Review: [redacted]	0.52	$450.00	$234.00
Service	03/14/2025	Draft: [redacted]	1.07	$450.00	$481.50
Service	03/16/2025	Draft: [redacted]	2.48	$450.00	$1,116.00
Service	03/18/2025	Correspondence: Call and email with client	0.10	$450.00	$45.00
Service	03/19/2025	Correspondence: Call with client	0.20	$450.00	$90.00
Service	03/19/2025	Correspondence: Call with [redacted]	0.10	$450.00	$45.00
Service	03/19/2025	Draft: Memo regarding [redacted]	0.98	$450.00	$441.00
Service	03/19/2025	Correspondence: Review document sent from client.	0.09	$450.00	$40.50
Service	03/19/2025	Review: [redacted]	0.10	$450.00	$45.00
Service	03/20/2025	Meeting: [redacted]	1.50	$450.00	$675.00
Service	03/20/2025	Review: [redacted]	0.12	$450.00	$54.00
Service	03/24/2025	Review: [redacted]	0.10	$450.00	$45.00
Service	03/26/2025	Review: [redacted]	0.23	$450.00	$103.50
Service	03/26/2025	Meeting: [redacted]	0.70	$0.00	$0.00
Service	03/26/2025	Review: Review email from [redacted]	0.90	$450.00	$405.00
Service	03/27/2025	Meeting: [redacted]	0.71	$450.00	$319.50
Service	03/27/2025	Draft: Prepare memo [redacted]	1.08	$450.00	$486.00
Service	03/28/2025	Meeting: [redacted]	2.50	$450.00	$1,125.00
Service	03/31/2025	Correspondence: [redacted]	0.25	$450.00	$112.50

Service	04/01/2025	Meeting: [redacted]	1.00	$450.00	$450.00
Service	04/02/2025	Draft: [redacted]	0.40	$450.00	$180.00
Service	04/02/2025	Meeting: [redacted]	0.40	$450.00	$180.00
Service	04/06/2025	Review: [redacted]	0.10	$450.00	$45.00
Service	04/06/2025	Review: [redacted]	1.99	$450.00	$895.50
Service	04/07/2025	Meeting: [redacted]	0.20	$450.00	$90.00
Service	04/07/2025	Draft: [redacted]	2.30	$450.00	$1,035.00
Service	04/09/2025	Review: [redacted]	0.34	$450.00	$153.00
Service	04/10/2025	Review: [redacted]	0.35	$450.00	$157.50
Service	04/28/2025	Meeting: [redacted]	0.50	$450.00	$225.00
				Total	**$9,571.50**

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
24	05/30/2025	$9,571.50	$5,000.00	$4,571.50
			Outstanding Balance	**$4,571.50**
			Total Amount Outstanding	**$4,571.50**

Please make all amounts payable to:The Clevenger Firm, LLC

Please pay within 30 days.

E-FILED; Washington Circuit Court
Docket: 6/7/2025 12:21 AM; Submission: 6/7/2025 12:21 AM
Envelope: 21540331

E-FILED; Washington Circuit Court
Docket: 6/9/2025 10:47 AM; Submission: 6/9/2025 10:47 AM
Envelope: 21548117

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	C-21-CV-25-000161 **Case No.: C-21-CV-25-000161**

MOTION TO SHORTEN TIME

Comes now; Defendant, Shaun Porter, Pro se, hereby moves this court to shorten time for opposing party to respond to Defendant's " Motion to Recuse" in order to protect Defendant and Defendant's rights from abused of a clearly biased Judge who has engaged in inappropriate ex-parte communications as articulated thoroughly in aforementioned motion. Just this morning June 9th 2025 counsel for Plaintiff John Barr literally stated on the record, calling Kathy Boyer to contact Judge Sfekas for special consideration and special treatment in extra judicial discussions that have denied Defendant due process in a different case case # 000180, where his Honor Judge Sfekas denied our right to examine the county in a properly noted deposition, thus ending our deposition mid-stream. Defendant is asking that this motion and related "Motion to Recuse" be reviewed and granted prior to Wednesday June 11th 2025 4:30 p,m.

Respectfully submitted,

/s/ Shaun P. Porter 6/9/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing**, " Motion to Shorten Time"** was served VIA MDEC electronic service as well as to both attorneys of record at sarahspitalnickesq@gmail.com, and jonathangross@gmail.com .

/s/ Shaun P. Porter 6/9/25

E-FILED; Washington Circuit Court
Docket: 6/9/2025 6:46 PM; Submission: 6/9/2025 6:46 PM
Envelope: 21561128

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant*	)	

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO CHANGE VENUE

COMES NOW Plaintiff, John Barr, by and through counsel, submits this Opposition to Defendant Shaun Porter's Motion for Change of Venue, filed on June 5, 2025. Defendant's motion fails to meet the legal standard for a change of venue under Maryland Rule 2-327(c), as it relies on speculative, unsupported, and inflammatory allegations that do not demonstrate an inability to receive a fair and impartial trial in Washington County. Additionally, Defendant waived his objection to venue by failing to raise it in his Motion to Dismiss (Dkt. 5/9/25). The Court should deny the motion for the reasons set forth below.

DEFENDANT WAIVED THE ISSUE OF VENUE BY FAILING TO RAISE IT IN HIS MOTION TO DISMISS

Maryland Rule 2-322(a) requires that objections to venue be raised in a motion to dismiss filed before the answer, or the objection is waived. *See* Maryland Rules Commentary 161 (5th ed. 2019). Defendant filed a Motion to Dismiss on May 9, 2025, asserting failure to state a claim, violation of Maryland's anti-SLAPP statute, and/or summary judgment, but did not challenge venue. See generally Defendant's Motion to Dismiss. By failing to raise improper venue in his initial responsive pleading, Defendant has waived the right to contest venue. *See Hansen v. Wightman*, 14 Md. App. 78, 84 (1972). This procedural defect alone warrants denial of Defendant's motion.

DEFENDANT FAILS TO MEET THE BURDEN FOR A CHANGE OF VENUE

Maryland Rule 2-327(c) permits a change of venue only if the moving party demonstrates that a fair and impartial trial is impossible in the current county due to pervasive prejudice or extraordinary circumstances. See Lapides v. Lapides, 50 Md. App. 248, 252 (1982). Defendant's motion, supported by his affidavit and references to media and personal disputes, falls far short of this high burden.

Alleged Media Coverage Does Not Demonstrate Pervasive Prejudice

Defendant claims that a front-page article in The Herald Mail on April 7, 2025, prejudiced the jury pool by portraying the case in a "false light" due to Plaintiff's alleged advertising influence (Motion, ¶ 1). This assertion is speculative and unsupported. Defendant provides no copy of the article, no evidence of its content, and no proof of Plaintiff's $100,000 advertising expenditure or its impact on the newspaper's reporting. A single article, even if prejudicial, does not establish the "inflammatory or prejudicial" publicity required to change venue. *See Calhoun v. State*, 297 Md. 563, 580 (1983). With Washington County's population of approximately 150,000, Defendant's claim that the entire jury pool was tainted by one article is implausible. Moreover, voir dire can effectively identify and exclude biased jurors, as is standard practice. *See Lapides*, 50 Md. App. at 253.

Plaintiff's Role as County Commissioner Does Not Preclude a Fair Trial

Defendant argues that Plaintiff's position as President of the Board of County Commissioners creates undue influence over the jury pool, courthouse staff, and local economy, as he controls funding and employment (Motion, ¶¶ 2-5, 13). These claims are conclusory and lack evidence. Defendant provides no data showing that potential jurors are directly employed by or dependent on Plaintiff, nor does he demonstrate how Plaintiff's role would bias judicial proceedings. Maryland courts have rejected

similar arguments absent clear evidence of actual prejudice. *See Smith v. State*, 51 Md. App. 408, 415 (1982) (requiring "clear and convincing evidence" of bias). Defendant's assertion that "everyone" in Washington County is "terrified" of Plaintiff (¶ 5) is hyperbolic and unsupported by any credible evidence. The judicial system's safeguards, including juror selection and impartial oversight, ensure fairness in Washington County.

Allegations of Arrests and Intimidation Are Irrelevant and Unsupported

Defendant cites the arrest of Curtis Reigh and threats against himself and others as evidence of Plaintiff's influence (Motion, ¶¶ 7, 11-12, 19; Affidavit, ¶¶ 3-4). These claims are irrelevant to whether a fair trial is possible and lack substantiation. The YouTube video of Reigh's arrest (Motion, ¶ 7) and TikTok videos of alleged intimidation (¶¶ 15-16) are not verified court records and do not demonstrate widespread community bias. Defendant's claim that Plaintiff discussed plans to "destroy" him (¶ 19) relies on an affidavit from one person, Heather Vickers, which does not prove the unbiased nature of prospective juror necessitating a change of venue. Similarly, allegations of threats by Plaintiff's son and daughter's social media contact (¶¶ 17-18; Affidavit, ¶¶ 1-2) are personal disputes, not evidence of judicial or juror prejudice. These inflammatory accusations appear designed to harass Plaintiff, not to meet the legal standard for venue change.

Defendant's Own Actions Contribute to Publicity

Defendant admits to generating publicity through protests, "mooning" Plaintiff, and livestreaming his actions, which he claims reach "tens of millions" (Opposition to Contempt, p. 3). His affidavit further details defacing the sign with a crude drawing (Affidavit, ¶ 12). By actively publicizing the dispute, Defendant undermines his claim that external publicity prevents a fair trial. Maryland courts have denied

venue changes where the moving party contributes to the publicity. See Waine v. State, 37 Md. App. 222, 227 (1977). Defendant cannot manufacture prejudice and then seek to benefit from it.

DEFENDANT'S MOTION IS VEXATIOUS AND FILED IN BAD FAITH

Defendant's motion continues his pattern of bad faith litigation, as evidenced by his violations of the May 19, 2025, Court Order prohibiting unauthorized discovery (see Motion for Contempt, Dkt. 5/23/25; Order, Dkt. 5/20/25) and his dissemination of expunged allegations (Motion for Sanctions, Dkt. 5/23/25). The motion's inflammatory language, such as calling Plaintiff a "psycho" and alleging he "makes up his own laws" (Motion, ¶ 16), mirrors the defamatory tactics in his prior filings (see Opposition to Contempt, p. 2). Defendant's request to transfer the case to Prince George's County (¶ 9) is arbitrary, as he provides no basis for why that venue would be impartial. This motion appears to be a delay tactic, warranting denial and potential sanctions under Maryland Rule 1-341 for bad faith conduct. *See U.S. Health, Inc. v. State*, 131 Md. App. 656, 663 (2000).

WASHINGTON COUNTY IS THE PROPER VENUE

Venue is proper in Washington County, where the alleged defamatory actions, including the sign's installation and Defendant's protests, occurred. Maryland Code, Courts & Judicial Proceedings § 6-202(8) establishes venue in the county where the cause of action arose. Defendant, a resident of Washington County (Affidavit, p. 2), does not dispute that the events occurred here. His speculative claims do not overcome the presumption of fairness in Washington County's judicial system.

CONCLUSION

Defendant's Motion for Change of Venue is procedurally barred due to his waiver under Maryland Rule 2-322(a) and substantively deficient, as it fails to provide clear and convincing evidence that a fair

trial is impossible in Washington County. His allegations are speculative, unsupported, and tainted by his own publicity-generating actions. The motion's bad faith further justifies denial. Plaintiff respectfully requests that the Court:

1. Deny Defendant's Motion for Change of Venue;
2. Award Plaintiff attorneys' fees and costs incurred in responding to this vexatious motion, pursuant to Maryland Rule 1-341; and
3. Grant such other relief as the Court deems just and proper.

Date: June 9, 2025

Respectfully submitted,

/s/ Sarah Spitalnick Sarah
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CERTIFICATE OF SERVICE

I certify that on June 9, 2025, a copy of the foregoing Opposition was served via electronic filing on:

Shaun Patrick Porter
6583 Edgewood Road
New Market, Maryland 21774

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 6/9/2025 6:46 PM; Submission: 6/9/2025 6:46 PM
Envelope: 21561128

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant*	)	

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO EXAMINE JOHN BARR

COMES NOW Plaintiff, John Barr, by and through counsel, submits this Opposition to Defendant Shaun Porter's Motion for Leave to Examine John Barr, filed on June 5, 2025. Defendant's motion seeks permission to conduct a deposition of Plaintiff, claiming it is necessary to support his Motion to Dismiss. However, the motion is procedurally improper and substantively baseless, as it violates the May 19, 2025, Court Order expressly prohibiting all discovery until the Motion to Dismiss is resolved. As of June 9, 2025, the Motion to Dismiss remains pending, rendering Defendant's request premature and non-compliant. The Court should deny the motion for the reasons set forth below.

DEFENDANT'S MOTION VIOLATES THE MAY 19, 2025, COURT ORDER

The May 19, 2025, Court Order explicitly prohibits Defendant from issuing *any* discovery requests until the pending Motion to Dismiss (Dkt. 5/19/25) is resolved and requires prior Court approval for any future discovery, specifying the proposed discovery's relevance and compliance with Maryland Rules (Order, p. 1). The Order further sanctions Defendant for prior bad faith discovery tactics, including harassing requests and spamming unrelated parties, and cautions that further violations may result in additional sanctions, such as dismissal of defenses or contempt proceedings (Order, p. 2).

Defendant's Motion for Leave, filed on June 5, 2025, seeks to depose Plaintiff despite the Motion to Dismiss remaining undecided as of June 9, 2025. This request directly contravenes the Court's clear directive to halt all discovery until the Motion to Dismiss is resolved. Defendant's claim that he is acting "in obeyance" of the Order (Motion, p. 1) is disingenuous, as the Order does not permit filing motions for discovery during the stay. By seeking to initiate a deposition, Defendant disregards the Court's authority, warranting denial of the motion and potential further sanctions under Maryland Rule 1-341 for bad faith conduct. *See Wynn v. State*, 388 Md. 423, 437 (2005) (courts may sanction willful violations of orders).

DEFENDANT'S REQUEST LACKS LEGAL AND FACTUAL JUSTIFICATION

Even if the Court's Order did not bar discovery, Defendant's motion fails to justify a deposition. Maryland Rule 2-401(c) governs depositions, but discovery must be relevant, proportional, and compliant with court orders. Defendant argues that the deposition is necessary to challenge Plaintiff's claim of $10,000,000 in damages, alleging Plaintiff has not provided admissible evidence (Motion, pp. 1-2). However, this argument misstates the procedural posture of the case.

Discovery Is Premature Pending Resolution of the Motion to Dismiss

Defendant's Motion to Dismiss asserts failure to state a claim, violation of Maryland's anti-SLAPP statute, and/or summary judgment (Motion, p. 1). A motion to dismiss tests the legal sufficiency of the complaint, not the evidentiary record, and does not require discovery. See RRC Ne., LLC v. BAA Md., Inc., 413 Md. 638, 643 (2010). Similarly, Maryland's anti-SLAPP statute (Md. Code, Courts & Judicial Proceedings § 5-807) focuses on whether the suit targets protected speech, a legal question not dependent on deposition testimony. Even for summary judgment, Defendant's own affidavit in support of his Motion to Dismiss (referenced in Motion, p. 2) shifts the burden to Plaintiff to respond with affidavits or other evidence under Maryland Rule 2-501(b), not to submit to a deposition. Defendant's reliance on *Baltimore*

Transit Co. v. Mezzanotti, 227 Md. 8, 13 (1961), is misplaced, as that case addresses discovery's general purpose, not its propriety during a discovery stay.

Defendant Fails to Demonstrate Relevance and Necessity

Defendant's motion vaguely seeks "relevant facts" about Plaintiff's damages without specifying what information is needed or why a deposition is necessary (Motion, p. 1). The complaint alleges defamation and reputational harm from Defendant's actions, including a political sign, which are sufficient to survive a motion to dismiss. Defendant's challenge to the $10,000,000 damages figure is a factual dispute inappropriate for resolution at this stage and does not justify bypassing the Court's discovery ban. Moreover, Defendant's prior bad faith tactics, including harassing emails and unauthorized discovery attempts (see Motion for Contempt, Dkt. 5/28/25), suggest the deposition request is another attempt to harass Plaintiff rather than a legitimate discovery need.

DEFENDANT'S MOTION IS PART OF A PATTERN OF BAD FAITH

Defendant's motion continues his pattern of bad faith litigation, as evidenced by his violations of the May 19, 2025, Order through prior unauthorized discovery attempts (see Motion for Sanctions, Dkt. 5/28/25; Motion for Contempt, Dkt. 5/28/25). His inflammatory rhetoric, such as calling Plaintiff "corrupt" and the lawsuit a "SLAPP suit" (Motion, p. 2), mirrors the defamatory and vexatious conduct for which he was sanctioned (Order, p. 2). Defendant's pro se status does not excuse non-compliance with court orders, as pro se litigants are held to the same standards as represented parties. *See Tretick v. Layman*, 95 Md. App. 62, 68 (1993). The Court should deny the motion as a bad faith attempt to circumvent the discovery stay and further harass Plaintiff.

THE REQUESTED DEPOSITION WOULD CAUSE UNDUE BURDEN

Granting Defendant's motion would impose an undue burden on Plaintiff, who has already incurred significant costs responding to Defendant's vexatious filings. The May 19, 2025, Order was issued to prevent further harassment and abuse of the discovery process, yet Defendant's motion seeks to resume such tactics. Maryland Rule 2-403 allows courts to limit discovery to prevent undue burden or oppression, and the Court should exercise this authority to deny the deposition request.

CONCLUSION

Defendant's Motion for Leave to Examine John Barr violates the May 19, 2025, Court Order prohibiting all discovery until the Motion to Dismiss is resolved, which remains pending as of June 9, 2025. The motion lacks legal and factual justification, is part of Defendant's pattern of bad faith, and would impose an undue burden on Plaintiff. Plaintiff respectfully requests that the Court:

1. Deny Defendant's Motion for Leave to Examine John Barr;
2. Award Plaintiff attorneys' fees and costs incurred in responding to this motion, pursuant to Maryland Rule 1-341, due to Defendant's bad faith; and
3. Grant such other relief as the Court deems just and proper.

Date: June 9, 2025

Respectfully submitted,

/s/ Sarah Spitalnick Sarah Spitalnick Esq.
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Counsel for Defendant Washington County Board of County Commissioners

CERTIFICATE OF SERVICE

I certify that on June 9, 2025, a copy of the foregoing Opposition was served via electronic filing on:

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CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant*	)	

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECUSAL

COMESNOW, Plaintiff, John Barr, by and through counsel, respectfully submits this Opposition to Defendant's Motion to Recuse filed on June 5, 2025, pursuant to Md. Rule 3-505 and Md. Rule 18-102.11. The Motion lacks merit and is grounded in Defendant's subjective opinions rather than objective evidence and fails to demonstrate any bias or impropriety by the Honorable Judge Sfekas that would warrant recusal. Furthermore, Defendant's conduct throughout this litigation reflects bad faith, and the Motion appears to be a tactic to delay or disrupt the judicial process.

LEGAL STANDARD

Maryland Rule 18-102.11 requires a judge to recuse themselves when their impartiality might reasonably be questioned, supported by objective evidence of bias or prejudice. The standard is not based on a party's subjective beliefs but on whether a reasonable member of the public, fully informed of the facts, would doubt the judge's impartiality. *See Boyd v. State*, 321 Md. 69, 86 (1990). A motion to recuse must present specific, credible evidence of bias, not mere allegations or dissatisfaction with judicial rulings. *See In re Turney*, 311 Md. 246, 283 (1987). Adverse rulings

alone do not constitute evidence of bias. *See Reed v. Baltimore Life Ins. Co*., 127 Md. App. 536, 556 (1999).

ARGUMENT

Defendant's Motion Relies on Personal Opinions, Not Evidence of Bias

Defendant's Motion to Recuse is premised on vague and unsubstantiated claims of "incredible bias" by Judge Sfekas, both in and out of court, without providing concrete evidence to support these allegations. Plaintiff references a verbal reprimand for his "9th grade vernacular" in emails and an interaction *outside* of court, before Plaintiff's filed this suit, on March 7, 2025, in the presence of attorney Adam Greivell. However, Defendant fails to provide any documentation to substantiate these claims, rendering them mere personal opinions. The Motion also alludes to Defendant's role as a process server and alleged misconduct by opposing counsel and parties, but these issues are irrelevant to the question of judicial bias. Without specific evidence—such as transcripts showing improper judicial conduct or rulings demonstrably tainted by prejudice—Plaintiff's allegations do not meet the threshold for recusal under Md. Rule 18-102.11.

No Evidence of Improper or Unfavorable Rulings

Defendant does not identify any specific rulings by Judge Sfekas that were erroneous, let alone indicative of bias. Adverse judicial rulings, even if unfavorable to Defendant, do not constitute grounds for recusal absent evidence of extrajudicial prejudice or improper motive. *See Reed*, 127 Md. App. at 556. To date, all rulings in this case have been consistent with the Maryland Rules and applicable law. Defendant's dissatisfaction with the judicial process or

outcomes does not equate to judicial bias. The absence of any cited improper ruling underscores the baseless nature of the Motion.

Defendant's Bad Faith Conduct Undermines the Motion

Defendant's litigation conduct, as detailed in the Motion and related filings, demonstrates a pattern of bad faith. Defendant admits to filing an Attorney Grievance Complaint involving Judge Sfekas, suggesting that the Motion to Recuse may be a strategic maneuver to bolster that complaint or pressure the Court. Additionally, Defendant's inflammatory language—referring to counsel as "the most dishonest attorney on earth" and alleging extreme misconduct without evidence—reflects an attempt to harass and intimidate rather than engage in good-faith litigation. Such conduct aligns with Maryland Rule 1-341, which authorizes sanctions for bad faith or unjustified proceedings. The Motion to Recuse appears to be an extension of this pattern, seeking to delay or disrupt the case rather than address legitimate concerns about judicial impartiality.

Defendant's Request is Procedurally and Substantively Deficient

The Motion fails to comply with procedural requirements and lacks substantive merit. Defendant requests that Judge Sfekas hear the Motion preliminarily and refrain from further substantive rulings, yet provides no legal basis for this request. Md. Rule 3-505 does not mandate such a procedure, and Defendant's demand to transfer the case to the Administrative Judge is premature and unsupported. Furthermore, Defendant's references to potential future lawsuits are irrelevant to the issue of recusal in this case and serve only to confuse the record.

CONCLUSION

Defendant's Motion to Recuse is devoid of objective evidence demonstrating bias or impropriety by Judge Sfekas. The allegations are based on Defendant's subjective opinions, unsupported by any credible documentation. No rulings in this case have been shown to be erroneous or motivated by bias, and Defendant's bad faith conduct throughout the litigation undermines the credibility of the Motion. Plaintiff respectfully requests that the Court deny the Motion to Recuse and proceed with the case in accordance with the Maryland Rules.

Date: June 9, 2025

Respectfully submitted,

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on June 9, 2025, a copy of the foregoing Opposition to Recusal was served via electronic filing on:

Shaun Patrick Porter
6583 Edgewood Road
New Market, Maryland 21774

/s/ Sarah Spitalnick
Sarah Spitalnick

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CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant*	)	

PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR CONTEMPT

COMES NOW Plaintiff, John Barr, by and through counsel, submits this Opposition to Defendant Shaun Porter's Motion for Change of Venue, filed on June 5, 2025. Defendant's motion fails to meet the legal standard for a change of venue under Maryland Rule 2-327(c), as it relies on speculative, unsupported, and inflammatory allegations that do not demonstrate an inability to receive a fair and impartial trial in Washington County. Additionally, Defendant waived his objection to venue by failing to raise it in his Motion to Dismiss (Dkt. 5/9/25). The Court should deny the motion for the reasons set forth below.

Defendant Waived The Issue Of Venue By Failing To Raise It In His Motion To Dismiss

Maryland Rule 2-322(a) requires that objections to venue be raised in a motion to dismiss filed before the answer, or the objection is waived. *See Paul V. Niemeyer & Linda M. Schuett*, Maryland Rules Commentary 161 (5th ed. 2019). Defendant filed a Motion to Dismiss on May 9, 2025, asserting failure to state a claim, violation of Maryland's anti-SLAPP statute, and/or summary judgment, but did not challenge venue. *See* generally Defendant's Motion for Dismiss. By failing to raise improper venue in his initial responsive pleading, Defendant has waived the right to contest venue. *See Hansen v. Wightman,* 14 Md. App. 78, 84 (1972). This procedural defect alone warrants denial of Defendant's motion.

Defendant Fails To Meet The Burden For A Change Of Venue

Maryland Rule 2-327(c) permits a change of venue only if the moving party demonstrates that a fair and impartial trial is impossible in the current county due to pervasive prejudice or extraordinary circumstances. See Lapides v. Lapides, 50 Md. App. 248, 252 (1982). Defendant's motion, supported by his affidavit and references to media and personal disputes, falls far short of this high burden.

Alleged Media Coverage Does Not Demonstrate Pervasive Prejudice

Defendant claims that a front-page article in The Herald Mail on April 7, 2025, prejudiced the jury pool by portraying the case in a "false light" due to Plaintiff's alleged advertising influence (Motion, ¶ 1). This assertion is speculative and unsupported. Defendant provides no copy of the article, no evidence of its content, and no proof of Plaintiff's $100,000 advertising expenditure or its impact on the newspaper's reporting. A single article, even if prejudicial, does not establish the "inflammatory or prejudicial" publicity required to change venue. *See Calhoun v. State*, 297 Md. 563, 580 (1983). With Washington County's population of approximately 150,000, Defendant's claim that the entire jury pool was tainted by one article is implausible. Moreover, voir dire can effectively identify and exclude biased jurors, as is standard practice. *See Lapides*, 50 Md. App. at 253.

Plaintiff's Role as County Commissioner Does Not Preclude a Fair Trial

Defendant argues that Plaintiff's position as President of the Board of County Commissioners creates undue influence over the jury pool, courthouse staff, and local economy, as he controls funding and employment (Motion, ¶¶ 2-5, 13). These claims are conclusory and lack evidence. Defendant provides no data showing that potential jurors are directly employed by or dependent on Plaintiff, nor does he demonstrate how Plaintiff's role would bias judicial proceedings. Maryland courts have rejected similar

arguments absent clear evidence of actual prejudice. *See Smith v. State*, 51 Md. App. 408, 415 (1982) (requiring "clear and convincing evidence" of bias). Defendant's assertion that "everyone" in Washington County is "terrified" of Plaintiff (¶ 5) is hyperbolic and unsupported by any credible evidence. The judicial system's safeguards, including juror selection and impartial oversight, ensure fairness in Washington County.

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venue changes where the moving party contributes to the publicity. *See Waine v. State*, 37 Md. App. 222, 227 (1977). Defendant cannot manufacture prejudice and then seek to benefit from it.

Defendant's Motion Is Vexatious and Filed in Bad Faith

Defendant's motion continues his pattern of bad faith litigation, as evidenced by his violations of the May 19, 2025, Court Order prohibiting unauthorized discovery (see Motion for Contempt, Dkt. 5/23/25; Order, Dkt. 5/20/25) and his dissemination of expunged allegations (Motion for Sanctions, Dkt. 5/23/25). The motion's inflammatory language, such as calling Plaintiff a "psycho" and alleging he "makes up his own laws" (Motion, ¶ 16), mirrors the defamatory tactics in his prior filings (*see* Opposition to Contempt, p. 2). Defendant's request to transfer the case to Prince George's County (¶ 9) is arbitrary, as he provides no basis for why that venue would be impartial. This motion appears to be a delay tactic, warranting denial and potential sanctions under Maryland Rule 1-341 for bad faith conduct. *See U.S. Health, Inc. v. State*, 131 Md. App. 656, 663 (2000).

WASHINGTON COUNTY IS THE PROPER VENUE

Venue is proper in Washington County, where the alleged defamatory actions, including the sign's installation and Defendant's protests, occurred. Maryland Code, Courts & Judicial Proceedings § 6-202(8) establishes venue in the county where the cause of action arose. Defendant, a resident of Washington County (Affidavit, p. 2), does not dispute that the events occurred here. His speculative claims do not overcome the presumption of fairness in Washington County's judicial system.

CONCLUSION

Defendant's Motion for Change of Venue is procedurally barred due to his waiver under Maryland Rule 2-322(a) and substantively deficient, as it fails to provide clear and convincing evidence that a fair

trial is impossible in Washington County. His allegations are speculative, unsupported, and tainted by his own publicity-generating actions. The motion's bad faith further justifies denial. Plaintiff respectfully requests that the Court:

1. Deny Defendant's Motion for Change of Venue;
2. Award Plaintiff attorneys' fees and costs incurred in responding to this vexatious motion, pursuant to Maryland Rule 1-341; and
3. Grant such other relief as the Court deems just and proper.

Date: June 9, 2025

Respectfully submitted,

/s/ Sarah Spitalnick Sarah Spitalnick Esq.
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Counsel for Defendant Washington County Board of County Commissioners

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/s/ Sarah Spitalnick
Sarah Spitalnick

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CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant*	)	

PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS

COMES NOW Plaintiff, John Barr, by and through counsel, submits this Reply to Defendant Shaun Porter's Opposition to Plaintiff's Motion for Sanctions Under Seal, filed on June 2, 2025. Defendant's Opposition is replete with baseless assertions, misrepresentations of law, and continued bad faith conduct, further justifying the imposition of sanctions under Maryland Rules 1-341, 20-201.1, and the Court's inherent authority.

Defendant's failure to comply with Maryland Rule 1-341 requirements is irrelevant and unsupported

Defendant argues that Plaintiff's Motion is deficient under Maryland Rule 1-341 for failing to provide a verified statement and invoices. This argument is meritless. Rule 1-341 does not mandate a verified statement or invoices in all cases; rather, it authorizes sanctions for bad faith or unjustified conduct, which Plaintiff has thoroughly demonstrated through Defendant's violations of the May 19, 2025, Court Order and Maryland Rule 20-201.1. *See U.S. Health, Inc. v. State*, 131 Md. App. 656, 663 (2000). Plaintiff's Motion details Defendant's unauthorized discovery attempts, dissemination of expunged allegations, and harassing communications, supported by exhibits (e.g., Defendant's May 23, 2025, emails). These actions alone establish bad faith, rendering Defendant's procedural objection baseless.

Moreover, Defendant's unsupported claim that Plaintiff's counsel was paid $9,400 with taxpayer funds to pursue an "illegal SLAPP suit" is a defamatory fabrication, devoid of evidence. Such assertions exemplify Defendant's continued bad faith, as they are designed to harass and intimidate rather than address the legal merits of the Motion.

Defendant's Mischaracterization of Discovery Violations is Unsupported

Defendant contends that Rule 2-433 applies only to failures to provide discovery, not to emails inquiring about deposition dates. This argument misrepresents the issue. Plaintiff's Motion is not based on Rule 2-433 but on Defendant's direct violation of the May 19, 2025, Court Order, which prohibited Defendant from issuing further discovery requests without prior Court approval. Defendant's May 23, 2025, emails explicitly state his intent to conduct a deposition and file discovery motions, in defiance of the Court's directive (Motion, Ex. 1). These actions violate Maryland Rule 2-431, which empowers courts to regulate discovery to prevent abuse, and warrant sanctions under the Court's inherent authority. *See Wynn v. State*, 388 Md. 423, 437 (2005).

Defendant's claim that Plaintiff is "avoiding discovery" to secure a $10,000,000 judgment is frivolous and unsupported by the record. The case remains in the pre-discovery phase, with a pending Motion to Dismiss (Dkt. 5/9/25). Defendant's attempt to deflect his own misconduct by accusing Plaintiff of bad faith further underscores his vexatious conduct.

Defendant's Allegations of A "Slapp Suit" Are Unsubstantiated And Irrelevant

Defendant repeatedly labels this case a "SLAPP suit" funded by taxpayer dollars to suppress his First Amendment rights. These allegations are unsupported and irrelevant to the Motion for Sanctions. Plaintiff's lawsuit seeks to address Defendant's defamatory conduct, not to silence protected speech.

Defendant's claims of taxpayer-funded litigation and counsel's alleged embezzlement are speculative and lack any factual basis. Such accusations are yet another example of Defendant's bad faith, intended to distract from his own violations of Court orders and Maryland Rules.

Defendant's reference to a political sign "co-created" by Justin Holder is also irrelevant. The Motion for Sanctions concerns Defendant's specific actions—violating the May 19, 2025, Order, disclosing expunged records, and engaging in harassing communications—not the underlying merits of the defamation claim. Defendant's attempt to shift focus to non-parties or unrelated issues further demonstrates his lack of substantial justification.

Defendant's Continued Bad Faith Necessitates Sanctions

Defendant's Opposition itself is a continuation of his bad faith conduct. He makes baseless accusations against Plaintiff's counsel, including claims of embezzlement and a "100% loss rate," which are defamatory and unsupported. He threatens to escalate the matter to a "federal case" and file complaints against counsel, mirroring the harassing tactics outlined in Plaintiff's Motion (Motion, Ex. 1). These actions are vexatious, wanton, and oppressive, meeting the threshold for sanctions under Rule 1-341. See U.S. Health, 131 Md. App. at 663.

Defendant's pro se status does not excuse his misconduct. While pro se litigants are afforded some leniency, they are not permitted to violate court orders, disclose confidential information, or engage in harassing conduct. *See Tretick v. Layman*, 95 Md. App. 62, 69 (1993). Defendant's pattern of defiance—evident in his May 23, 2025, emails and continued in his Opposition—demonstrates that monetary sanctions and injunctive relief are necessary to deter further violations and protect Plaintiff from ongoing harm.

CONCLUSION

Defendant's Opposition fails to rebut the grounds for sanctions outlined in Plaintiff's Motion. His arguments misrepresent the law, lack evidentiary support, and are overshadowed by his continued bad faith conduct. Plaintiff's Motion establishes that Defendant violated the May 19, 2025, Court Order, Maryland Rule 20-201.1, and engaged in harassing and defamatory conduct, warranting sanctions under Rule 1-341 and the Court's inherent authority. Plaintiff respectfully requests that the Court:

1. Grant the Motion for Sanctions Under Seal;
2. Award Plaintiff attorneys' fees and costs incurred in responding to Defendant's violations and harassing conduct;
3. Prohibit Defendant from further disclosing or referencing expunged allegations;
4. Continue to enjoin Defendant from conducting any discovery without prior Court approval, consistent with the May 19, 2025, Order;
5. Prohibit Defendant from engaging in further defamatory or threatening communications against Plaintiff or Plaintiff's counsel;
6. Impose monetary sanctions on Defendant; and
7. Grant such other relief as the Court deems just and proper.

Date: June 9, 2025

Respectfully submitted,

/s/ Sarah Spitalnick Sarah Spitalnick Esq.
LAW OFFICE OF SARAH SPITALNICK
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Baltimore, MD 21209

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Counsel for Defendant Washington County Board of County Commissioners

CERTIFICATE OF SERVICE

I certify that on June 9, 2025, a copy of the foregoing Reply was served via electronic filing on:

Shaun Patrick Porter
6583 Edgewood Road
New Market, Maryland 21774

/s/ Sarah Spitalnick
Sarah Spitalnick

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Envelope: 21587430

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

Defendant's Supplemental Affadavit Based on Recent Activity

Comes now; Defendant Shaun Porter, *Pro se,* hereby introduces the following exhibits for this court to use in it's consideration of all previously filed motions.

AFFADAVIT

I, Shaun Porter, am over the age of 18 and I am competent to testify about the acts set forth herein.

1. I have been illegally told to leave by Plaintiff John Barr every single public meeting prior to meeting starting since this lawsuit was served for violating no rule or law.
2. I witnessed John Barr's announced political rival being arrested and removed for the content of his speech during public comments for violating no law or rule June 3rd 2025.
3. I witnessed Commissioner Derek Harvey being charged with assault for shoving Justing Holder out of a public meeting for video taping the arrest of Curtis Reigh for calling for John Barr to resign and discussing his court documented child sex abuse allegations on June 3rd 2025.
4. I witnessed John Barr end public comments and issue a statement INSTRUCTING CITIZENS TO EMAIL HIMSELF AND THE OTHER GOVERNMENT OFFICALS I HAVE BEEN COMPLAINING TO RATHER THAN SPEAKING DURING CITIZEN GENERAL COMMENTS.
5. These are the same First Amendment protected comments that this court is being asked to sanction me for and hold me in contempt for.
6. I was told by Assisatant Attorney General Keenan that you can't be banned from public meetings for alleged prior disruptive conduct.
7. I was told by Sheriff Brian Albert on Tuesday May 13th 2025 that you cannot be trespassed from public property if you have lawful purpose and must be engaged in a disruption actively when asked to leave public property or be trespassed from public property.
8. I was informed by Assistant Attorney General Rachel Simonsen that besides the First Amendment, Fourteenth Amendment, The Open Meetings Act, and Maryland's trespass from

public property laws, there is no law or rule allowing Plaintiff Barr from ordering me out of public meeting wherein no disruption has occurred or issuing me a trespass into the future.

9. I observed Attorney Sarah Spitalnick's computer during a deposition of Washington County Board of County Commissioner's deposition which related ONLY to questions about public speaking issues and the rules of decorum in that 000180 case.
10. During the time the computer screen was voluntarily shared with Defendant, defendant noted three tabs open with GROCK AI logo on the tab.
11. I firmly believe the insane Plaintiff's opposition to MTD/MSJ wherein an argument comparing this case to OJ Simpson's murder trial was made, was generated by AI.
12. I believe that all the 535 pages of stricken and rejected filing in the 11 prior cases Plaintiff's attorney was involved in were written by AI as well, including all motions made in this case.
13. I was informed during a videotaped deposition by County Attorney Zach Kieffer on Monday June 9th, 2025, that Plaintiff's attorney is being paid by Washington County government**.**
14. **I believe I am being sued and persecuted so John Barr may retain power in an election year.**

VERIFICATION I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the factual statements numbered 1 through 14 under the heading of "Defendant's Supplemental Affadavit Based on Recent Activity" herein are true.

_____6/11/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter, *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, "Defendant's Supplemental Affadavit Based on Recent Activity " on attorney of record on MDEC and at sarahspitalnickesq@gmail.com on 6/11/25.

_____6/11/25

Shaun P. Porter
6583 Edgewood Rd
New Market, MD 21774

HEARING SHEET - JUDGE

CASE: C-21-CV-25-161

DATE: 6/12/2025

☐ John Barr
☒ Sarah Spitalnick-Attny
vs.
☒ Shaun Porter-
☐

Judge Sfekas
MS - CLERK
Tressa Clifford - REPORTER
COURTROOM #5

☐
☐

INTERPRETER:

☒ HEARING HELD: IN PERSON ☐ HEARING CONTINUED:

☐ TESTIMONY TAKEN ☒ ARGUMENT ☐ PROFFER

☐ COURT RULES ☐ COURT TAKES UNDER ADVISEMENT

CHANGE OF ADDRESS
☐ Plaintiff:

☐ Defendant:

Counsel appears on behalf of Plaintiff. Defendant appears pro se. Judge makes ruling on Motion to Recuse and Motion to Change Venue. Both denied. Motion to Dismiss/Summary Judgment denied. Motion to Examine is withdrawn. Future dates/deadlines placed on the record for trial, settlement conference, and completions dates for discovery/motions, additional parties to be added. Motions hearing scheduled 4/16/2026 at 9:30 AM.

ORDER: ☐ SIGNED IN OPEN COURT
☒ TO BE PREPARED BY: Court

WITNESSES: ☐ RULE ON WITNESSES

EXHIBITS:
PLAINTIFF:
ADMITTED
NOT ADMITTED
DEFENDANT:
ADMITTED
NOT ADMITTED

RETURNED EXHIBITS

PLAINTIFF: _____

DEFENDANT: _____

_____: _____

EVENT CODE: HRSHE – Public

updated: 09.11.24

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR *
Plaintiff
*
v. CASE NO. C-21-CV-25-161
*
SHAUN PORTER *
Defendant

* * * * * * * * * *

ORDER

This matter having come before the Court for a motions hearing on June 12, 2025, it is this 06/18/2025 day of _____ 2025, by the Circuit Court for Washington County hereby;

ORDERED, that the Motion to Recuse is hereby DENIED. 06/18/2025 9:47:06 AM

Stephen J. Sfekas
Judge

Entered: Clerk, Circuit Court for
Washington County, MD
June 27, 2025

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR *
Plaintiff
*
v. CASE NO. C-21-CV-25-161
*
SHAUN PORTER *
Defendant

* * * * * * * * * *

ORDER

This matter having come before the Court for a motions hearing on June 12, 2025, it is this 06/18/2025 day of _____ 2025, by the Circuit Court for Washington County hereby;

06/18/2025 9:49:11 AM

ORDERED, that the Motion for Change of Venue is hereby DENIED.

/s/ Stephen J. Sfekas
Stephen J. Sfekas
Judge

Entered: Clerk, Circuit Court for
Washington County, MD
June 27, 2025

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR *
Plaintiff
*
v. CASE NO. C-21-CV-25-161
*

SHAUN PORTER *
Defendant

* * * * * * * * * *

ORDER

This matter having come before the Court for a motions hearing on June 12, 2025, it is this 06/18/2025 day of _____ 2025, by the Circuit Court for Washington County hereby;

ORDERED, that the Motion for Leave to Examine John Barr is hereby WITHDRAWN.

06/18/2025 9:50:40 AM

Stephen J. Sfekas
Judge

Entered: Clerk, Circuit Court for
Washington County, MD
June 27, 2025

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR

Plaintiff

v. CASE NO: C-21-CV-25-161

SHAUN PORTER

Defendant

SCHEDULING ORDER

It is ORDERED by the Circuit Court for Washington County that a three-day **JURY** trial is scheduled for **May 18, 2026 through May 20, 2026, beginning at 9:30 a.m.**, and it is further

ORDERED, that hearing and cut-off dates are as follows:

September 1, 2025	Additional parties to be joined
January 1, 2026	Plaintiff's expert witnesses identified
January 1, 2026	Defendant's expert witnesses identified
March 1, 2026	Discovery to be completed
March 31, 2026	All dispositive motions due
April 16, 2026	9:30 a.m. motions hearing
April 17, 2026	1:30 p.m. settlement and pre-trial conference

It is further ORDERED, no later than seven (7) days prior to the pre-trial conference, counsel shall file with the Court a pre-trial statement in accordance with Maryland Rule 2-504.2(b) as well as the following:

A. all Motions in Limine

B. any proposed Voir Dire

C. any proposed Jury Instructions (if it is a jury trial)

Entered: Clerk, Circuit Court for
Washington County, MD
June 27, 2025

D. any proposed Special Verdict Sheet

It is further **ORDERED, that upon settlement or dismissal, it is the responsibility of counsel for the Plaintiff to notify not only the Clerk of Court, but also the Assignment Office (240-313-2540) of such settlement or dismissal**.

6/18/2025 9:51:21 AM

Stephen J. Sfekas
Judge

06/18/2025
Date

cc Assignment Office
Sarah Spitalnick, Esq.
Shaun Porter, pro se

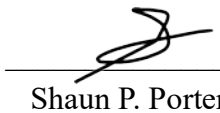
E-FILED; Washington Circuit Court
Docket: 6/27/2025 2:59 PM; Submission: 6/27/2025 2:59 PM
Envelope: 21826905

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

NOTICE OF APPEAL

Comes now; Defendant Shaun Porter, *Pro se,* hereby appeals the court's legally incorrect ruling from June 12. 2025 on Defendant's "Defendant's Motion To Dismiss For Failure To State A Claim, Violation Of Maryland's ANTI-SLAPP Statute And /Or For Summary Judgement (Hearing Requested)" which if correctly decided Defendant Shaun Porter is entitled and has the right not to stand trial for this SLAPP suit. This is an Interlocutory appeal to The Appellate Court of Maryland under the collateral order doctrine and /or Md. Rule CJP Sec. 12-303. I have ordered certified Transcript of the hearing from June 12th, See Exhibit "A" pursuant Md. Rule 8-411 (C), copy of email notifying the clerk of the lower court that I caused the transcript to be created, Exhibit "B" Civil Information Report pursuant Md. Rule 8-205 & 8-206. No motions have been filed since this hearing. No answer has yet been filed as of this appeal, but soon will be due to the 15 day rule.



6/27/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter, *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, "Notice of Appeal" and all exhibits on attorney of record on MDEC and at sarahspitalnickesq@gmail.com on 6/27/25.

_____6/27/25
Shaun P. Porter
6583 Edgewood Rd
New Market, MD 21774

E-FILED; Washington Circuit Court
Docket: 6/27/2025 2:59 PM; Submission: 6/27/2025 2:59 PM
Envelope: 21826905

Barr v. Porter C-21-cv-25-161 - June 12 hearing audio - Washco Circuit Court

1

S

Shaun Porter
June 26, 2025 11:52 AM
Show details

Hey Lisa,

Here is the Barr v Porter audio transcript from the Court Clerk. I am hereby ordering a certified transcript for the ACM. I am submitting my Notice of Appeal today.

Thanks!!!

Shaun Porter 202-830-8048

> **Sent:** Monday, June 16, 2025 at 8:36 AM
> **From:** "Tressa Clifford" <Tressa.Clifford@mdcourts.gov>
> **To:** "Justin Holder" <jholder2004@gmail.com>, "Dee Barnhart" <Dee.Barnhart@mdcourts.gov>, "Tracy Zamora" <Tracy.Zamora@mdcourts.gov>, "Linde Cessna" <Linde.Cessna@mdcourts.gov>
> **Cc:** "Shaun Porter" <shaunporter@usa.com>
> **Subject:** RE: [EXTERNAL] Fwd: C-21-cv-25-161 - June 12 hearing audio

ShareFile Attachments

E-FILED; Washington Circuit Court
Docket: 6/27/2025 2:59 PM; Submission: 6/27/2025 2:59 PM
Envelope: 21826905

APPELLATE COURT OF MARYLAND

361 Rowe Blvd., Second Floor, Annapolis, MD 21401
www.mdcourts.gov/cosappeals / 410-260-1450

CIVIL APPEAL INFORMATION REPORT

(Md. Rules 8-205 & 8-206)

Appellant: Shaun Porter v. Appellee: John Barr

County/Baltimore City: Washington Case No. C-21-CV-25-000161 Judge: Stephen J. Sfekas

Instructions Except in the circumstances noted below, a party who is appealing (known as the "appellant") from a civil case in the circuit court, must file the following in the circuit court:

(1) A notice of appeal; and
(2) This completed Civil Appeal Information Report including the judgment(s) that is/are appealed.

At the time the appellant files the notice of appeal and Civil Appeal Information Report, the appellant must also serve a copy of each on all other parties or their attorneys.

In completing this form you may use extra pages if needed. There is no separate fee to file this form.

FAILURE TO TIMELY FILE THIS FORM OR TO CORRECT ANY ERRORS AS REQUESTED MAY RESULT IN DISMISSAL OF THE APPEAL.

Exceptions: This form is not required for cases regarding Child(ren) In Need of Assistance or Supervision; termination of parental rights; juvenile delinquency; criminal convictions; habeas corpus; coram nobis; post-conviction; violation of probation; appeals by prisoners relating to their confinement; and cases where an application for leave to appeal is allowed by law.

For appellee(s): Within 10 days after service of appellant's Civil Appeal Information Report, each non-appealing party (known as an "appellee") may, but is not required to, file with the Clerk of the Appellate Court of Maryland a supplemental report containing any other information needed to clarify the issues on appeal.

COMPLETE THE FOLLOWING:

Appellant's Name:	Shaun Porter	**Appellant's Attorney:**	Pro se
Phone (cell & work):	202-830-8048	Phone (cell & work):	202-830-8048
E-mail:	shaunporter@usa.com	E-mail:	shaunporter@usa.com
Appellee's Name:	John Barr	**Appellee's Attorney:**	Sarah Spitalnick
Phone (cell & work):	240-313-2205	Phone (cell & work):	484-332-0454
E-mail:	jbarr@washco-md.net	E-mail:	sarahspitalnickesq@gmail.com

1. **Select Case Type:**

☐ Contract ☐ Declaratory Judgment ☐ Foreclosure ☐ Estates/Trusts ☐ Divorce
☐ Custody ☐ Admin. Agency Appeal ☐ Workers Comp. ☐ Personal Injury ☒ Other Tort Defamation

2. **Dates & duration of any relevant trial(s) or hearing(s):** June 12, 2025 10:30 am

3. **Were any post-judgment motions filed under Rule 2-532 (Judgment Notwithstanding the Verdict); 2-533 (New Trial); or 2-534 (Alter or Amend) within 10 days of entry of judgment** ☐ YES ☒ NO

Date Motion Filed: _____ Disposition Date: _____ ☐ GRANTED ☐ DENIED ☐ PENDING

4. **Does the judgment/order appealed end the entire case against all parties?** ☐ YES ☒ NO

   If no, explain why the case is appealable under Rule 2-602 or Courts & Judicial Proceedings § 12-301 or § 12-303: Interlocutory appeal under Collateral order Doctrine Immunity- stand trial WRONGFULLY DENIED

5. **Was *in banc* review requested under Rule 2-551 (In Banc Review)?** ☐ YES ☒ NO
   If yes, which party filed the petition for *in banc* review? _____

6. **Has there been a prior appeal in this case, or are there any pending related appeals?** ☐ YES ☒ NO

   Prior Appeal Case No(s).: _____

   Related Appeal Case No(s): _____

7. **Is this an appeal from an order about adoption, termination of parental rights, guardianship of the person, custody, or visitation?** ☐ YES ☒ NO

8. **Briefly state the issues on appeal *(Information disclosed does not limit the scope of appeal. Rule 8-205(f)).***

   1) His Honor incorrectly explained on the record that this Statute is for protection for people speaking out against builders almost exclusively, which is not how the law is written and it clouded his judgement 2) His honor got the facts confused in relation to the law. He ruled the Parody sign I am wrongly being sued over isn't a matter of public concern, not the speaking out at public meetings against Plaintiff's policies which is the target of the SLAPP suit. 3) Wrongly ruled the public speaking nor displaying of Political Parody sign was First Amendment Protected in regards to the law..

9. **Describe the history and present status of settlement negotiations *(Information disclosed is subject to Rule 8-205(f)).***

   Plaintiff Commissioner John Barr attempted to get a peace order on behalf of the Board of County Commissioners to stop me from speaking out against his re-election and policies on March 28th and was laughed out of court. So then he used $9400 tax payer funds to sue Defendant for $10,000,000 SLAPP lawsuit over a political parody sign with offer to drop it if I stopped speaking at meetings!!!! I refused to stop speaking at public meetings against Plaintiff's policies and re-election.

   a. Was this case previously submitted to any Alternative Dispute Resolution process (arbitration, mediation, settlement conference, etc.)? ☐ YES ☒ NO

      If so, please identify the arbitrator or mediator: _____

   b. Could this case benefit from mediation or prehearing conference services before briefs are filed? ☒ YES ☐ NO

(For questions about your appeal please call the Appellate Court of Maryland Clerk's Office at 410-260-1450 or see mdcourts.gov/cosappeals)

CERTIFICATE OF SERVICE

I certify that on the date stated below a copy of the foregoing Report was mailed, postage prepaid to:

Sarah Spitalnick Esq.
Name

23 Walker Ave., Suite 207
Address

Baltimore, MD 21209
City, State, Zip

John Barr
Name

100 W Washington St.
Address

Hagerstown, MD 21740
City, State, Zip

Date

Signature of Party Serving

Shaun Porter
Printed Name

E-FILED; Washington Circuit Court
Docket: 6/28/2025 3:21 AM; Submission: 6/28/2025 3:21 AM
Envelope: 21832882

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

LINE

Comes now; Defendant, Shaun Porter, Pro se, does hereby seek to add supplemental exhibits to the record for use in all prior motions, including but not limited to, "Motion to Recuse", Motion for Change of Venue", " Motion for Leave to Examine John Barr" , Motion To Dismiss Under Maryland Anti-SLAPP Statue, or in the Alternative Motion for Summary Judgement". I was having technical difficulties when trying to MDEC these exhibits on the fifth of June and I am a full time father of a disabled son, and have to deal with his mentally retarded mother (my opinion).

Supplemental Exhibits are as Follows

C. Proof of Contaminated Jury Pool

D. & D. 2 Proof of violence/death by John Barr's Son David Barr

E. Proof of Molestation allegations from daughter in law Julie Barr

F. Proof of illegal peace orders to stop protesting at public meetings during comment

G. Proof of John Barr cell phone use for county /public business

H. Proof of unsealed unexpunged molestation accusations

I. Proof of ATTORNEYS BEING PAID BY COUNTY TO SUE A VOTER TO STOP PROTESTS

J. Proof of citizens arrested for free speech and are terrorized by Barr

Respectfully submitted,

6/6/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant, Shaun Porter, Pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, Motion for Leave on attorney of record at sarahspitalnickesq@gmail.com on 6/6/25

6/6/25

Shaun Porter, Defendant

E-FILED; Washington Circuit Court
Docket: 6/28/2025 3:21 AM; Submission: 6/28/2025 3:21 AM
Envelope: 21832882

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

John Barr **Plaintiff** **v.** **Shaun Porter** **Defendant**	**Case No.: C-21-CV-25-000161**

ANSWER TO COMPLAINT

Comes now; Defendant Shaun Porter, *Pro se,* hereby files an Answer in this case pursuant Md. Rule 2-321 (C) , and or any other rules governing this response. The Defendant answers the complaint and says;

Affirmative Defenses

Defendant hereby asserts the following affirmative defenses as allowed by Md. Rule 2-323 (g).

1) The Defendant asserts the defense that John Barr already had a Circuit Court reputation in the community as an accused child molester who committed incest and therefore can't argue he enjoyed a good reputation that was harmed by a parody sign.
2) The Defendant generally denies liability.
3) The Defendant asserts the affirmative defense of assumption of risk .
4) The Defendant asserts the defense that this action is barred by latches.
5) The Defendant asserts the defense that this action is barred by Collateral Estoppel.
6) The Defendant asserts the defense that plaintiff fails to state a claim upon which relief can be granted.
7) The Defendant asserts the Defense that plaintiff failed to join all necessary parties.
8) The Defendant asserts that the Plaintiff failed to join the main responsible party without which this case never would have arisen.
9) The Defendant asserts the defense that the Plaintiff fails to join a party that in whose absence complete relief cannot be accorded among those who already partied.
10) The Defendant raises the defense that
11) The Defendant asserts the claim of contributory negligence.
12) The Defendant asserts the defense that this action is barred by

13) The Defendant asserts the defense that the Plaintiff's claims are barred by waiver.
14) The Defendant asserts the defense that Plaintiff failed to mitigate damages.
15) Defendant asserts the defense and principal of "in pari delicto"

NEGATIVE DEFENSES

1) Defendant asserts, even if the allegations were all true, the Plaintiff has no damages and can prove no damages.
2) Defendant asserts, even if the allegations were true and this was an intentional misrepresentation, no reasonable person would have believed this parody sign even if it was portrayed as factual and accurate thus negating a claim for any damages or harm.
3) Defendant asserts, even if the allegations were true the facts of this case could not have arisen without un-joined parties paying for sign as Defendant is not and was not working at the time the sign was created and it would be unreasonable to assume that a man not working would spend money he didn't have on a political parody sign.
4) Defendant asserts that even if all allegations were true Plaintiff was already known to the court and therefore the community, as being an accused child molester by unsealed court records and the sign couldn't have made his reputation worse.
5) Defendant asserts that even if all allegations were true Plaintiff was already know to the court as being accused of committing domestic violence and a Judge thought it inappropriate to seal as he was a PUBLIC FIGURE.
6) The Defendant asserts the defense that Plaintiff filed in his personal capacity and all facts are related to Plaintiff's official political capacity.
7) The Defendant asserts the defense that the Plaintiff is a Politician and not entitled to privacy or the enjoyment of a private life while he exists in public life.
8) Defendant asserts the defense that Plaintiff was already accused multiple times of incest with his own eight-year-old granddaughter so this parody sign couldn't have possibly been worse than two forensic investigations which did prove the abuse occurred but didn't have enough facts to prosecute Plaintiff.
9) Defendant asserts the fact that he is immune by way of absolute privilege relating to damages from sign in controversy being broadcast during a legislative session in a public meeting on government cameras.
10) Defendant asserts that he cannot be responsible for broadcasting he had no control over in regard to publication and Plaintiff again failed to join responsible parties.
11) Defendant asserts the defense that all broadcasts not during a legislative session regarding the sign in controversy were clearly portrayed as a joke.

FACTS

1) Defendant asserts the fact that Plaintiff mailed an extortion letter through his attorney offering to drop the legal action if Defendant ceased participation in public meetings.
2) Defendant asserts the fact that there was no harm, and a lack of damages that can be proven.
3) Defendant asserts the fact that Plaintiff failed to join owner of sign in controversy.
4) Defendant asserts the fact that owner of sign is not commonly speaking out against plaintiff at public meetings run by the Plaintiff.
5) Plaintiff failed to join the County Government which broadcasted the sign in controversy, and for which Plaintiff seeks damages.
6) Defendant asserts the fact that Plaintiff has gone on the record by and through Attorney Sarah Spitalnick stating Plaintiff was suing in his personal capacity over a sign labeled "Commissioner John Barr" .
7) Defendant asserts the fact that Commissioner John Bar is the highest-ranking Republican politician in Washington County.
8) Defendant asserts the fact that Plaintiff has failed to prove and can't prove this comedy parody sign was a factual assertion,
9) Defendant asserts the fact that Plaintiff has no ability to prove this was a factual assertion.
10) Defendant asserts the fact that Plaintiff hasn't proved and can't prove constitutional malice.
11) Defendant asserts the fact that constitutional malice is required for defamation cases regarding public figures.
12) Defendant asserts the fact that Plaintiff can't prove cell phone number was not used for public business or constituent phone calls.
13) Defendant asserts the fact that Plaintiff can't establish that any reasonable person would believe he committed a crime based on parody sign.
14) Defendant asserts the fact that people believing parody sign was real is required by Plaintiff's claim of Defamation Per se/ False Light invasion of privacy.
15) Defendant asserts the fact that Plaintiff is suing for damages on behalf of his dead mother and children.
16) Defendant asserts the fact that defamation ends with death.
17) Defendant asserts the fact that Plaintiff lacks standing to sue in his personal capacity for sign that is in his official capacity.
18) Defendant asserts the fact that all broadcasts not during a legislative session regrading the sign in controversy were clearly portrayed as a joke.
19) Defendant asserts the fact the he is immune by way of Qualified Privilege in so far as the sign was video recorded during a public proceeding.
20) Defendant asserts the fact that there was no negligence on his part.
21) Defendant Asserts the fact that Plaintiff consented to broadcast of sign in controversy and had sole control of broadcast of meeting which he ran yet failed to act.
22) Defendant asserts the fact that Plaintiff failed to notify Defendant that he had any problem with the parody sign when he spent more than an hour only feet away from Defendant and sign.
23) Defendant asserts the fact that Plaintiff and his fellow commissioners were witnessed laughing at the parody sign in controversy by two witnesses willing to testify.

24) Defendant asserts the fact that immediately after Plaintiff sued Defendant, Plaintiff was offered the opportunity to pick up and destroy sign in controversy by the owner Justin Holder, and declined to have him or his agents pick up the sign in writing.
25) Defendant asserts the fact that Plaintiff was widely known by way of court record, court proceeding, and town gossip as an accused child molester who sexually abused his own Grand Daughter making his claim that he was shown in a false light by a parody political sign from United States Supreme Court Case Law *Hustler Magazine Inc. v. Falwell* completely unprovable.
26) Defendant asserts the fact that the exact same, or almost identical joke on sign in controversy was already decided by a 9-0 decision to be parody and that no reasonable person would believe that a reporter would interview a very religious public figure and ask about their first time having sex.
27) Defendant asserts the fact that the court ruled that no reasonable person would believe that the public figure would respond it took place in an outhouse, or with the public figure's mother, or while drinking an expensive fine Italian liquor named Campari.
28) Defendant asserts the fact that Plaintiff can't prove anyone thought the parody sign was a news bulletin.
29) Defendant asserts the fact that the Plaintiff can't prove that anyone thought the parody sign was an advertisement for Campari liquor as portrayed in the signs content.
30) The Defendant asserts the fact that Plaintiff can't prove that the end of a driveway on a non-paved road in eastern Washington county on a plasti-board sign is a legitimate venue to receive Bonafide factual information.
31) The Defendant asserts the fact that Plaintiff can't prove any reasonable person would take this sign as a legitimate factual presentation.
32) The Defendant asserts the fact that the wording of the sign makes it unrealistic for a person of average intelligence to believe the parody sign is an actual factual representation.
33) The Defendant asserts the fact that the Plaintiff failed to join the reporter portrayed in the parody sign due to the fact the Plaintiff knows for certain it's not a factual portrayal and that no reporter exists because the sign is a joke.

DENIAL OF ALLEGATIONS

1) Defendant denies all allegations made in lines 1-77 due to the fact Plaintiff is suing in his personal capacity as an individual over a sign in his official capacity as commissioner, which it is clearly labeled as such.

Defendant denies the following specific allegations if Plaintiff was named in his personal capacity which the sign clearly show isn't the case ;

2) Defendant denies line 2 as his primary residence is Frederick County.
3) Defendant denies line 6 as the sign is 4 foot by 7 foot not 3 foot by 6 foot as claimed.
4) Defendant denies line 8 due to the fact the parody sign clearly claims Lynchburg Virginia as the location of alleged outhouse and this line quotes non applicable Maryland Law..
5) Line 9 is denied as nobody really believes Barr had sex in an outhouse.

6) Line 10 is denied as no reasonable person believes Barr was asked by a reporter about his first time or would diiscuss this voluntarily due to his standing in the community as the highest ranking Republican official and a church enthusiast.
7) Line 12 is denied as the allegations about Barr having sex with his mother was clearly a joke to any reasonable person.
8) Line 13 is denied because nobody would think this conversation ever happened.
9) Line 14 is denied as Defendant never portrayed factually that Barr had been to Lynchburg Virginia.
10) Line 16 is denied because Plaintiff Barr had full control over the meeting and broadcast as presiding officer and the sign displayed in public was mostly done by un joined man named James Hawkins who doesn't speak at public meetings.
11) Line 17 is denied because all publications were clearly labeled as comedy besides the broadcast controlled by bar in which Defendant was dressed like an elf and clearly not a serious dissemination of factual information.
12) Line 19 denied because Plaintiff's attorneys are lying to the court through omission of text claiming the image/video is the funniest political sign ever clearly portraying it as a joke and not a newscast.
13) Line 20 is denied due to disclaimer on screen that again it was trolling (teasing) and hilarious, indicating it's a joke,
14) Line 23 is denied as the content of the sign is continuously portrayed as a joke.
15) Line 24 is denied as it is First Amendment protected political opinion and not subject of this court's jurisdiction.
16) Line 26, 27,28 are denied as no reasonable person would believe Barr had sex with his mother in an outhouse, drunk, and the sign was portrayed as joke. And no average person would believe the sign.
17) Line 29 is denied as no reasonable person believed the statements, nor did Barr.
18) Line 32 is denied as Porter never displayed this sign on his property.
19) Line 33 is denied as false as Porter doesn't live in close proximity to Evelyn C. Barr's children.
20) Line 34 is denied as Barr is a public figure and being asked questions by citizens is par for the course.
21) Line 36 is denied because Plaintiff hasn't missed a single meeting during this period and is blatantly a false accusation.
22) Line 37 is denied because the sign was clearly a joke that Barr didn't take seriously as he waited four months to utter a word about it until the business day after Barr's attempts to get a peace order to stop Defendant from attending public meetings clearly failed, and this is clearly meant to stop Defendant from attending public meetings.
23) Line 39 is denied as Plaintiff has no medical bills to back up false insane allegations of becoming sick.
24) Line 40 allegation is denied as Defendants sign couldn't possibly cause what is described, as he is just a man with a bruised ego from a joke.
25) Line 41 is denied because Plaintiff cant attest to my state of mind.

26) Line 42 is denied as no "defamatory" material has ever been published and clearly Plaintiff views joke's criticism or unfavorable opinions as defamation when it most clearly is not.
27) Line 43 is denied as Barr gives out the cell phone number in controversy to citizens and Defendant can prove he uses it to discuss county business thu rendering it for public use and gives it out to random strangers such as on April 11th 2025, Heather Vickers which Defendant has proven through affidavit and will prove through testimony of Heather Vickers.
28) Line 45 is denied as Defendant has direct firsthand knowledge that this line is used to call Governor Moore and citizens to discuss county business. Discovery of phone records will prove it as well as two witnesses at trial.
29) Line 47 is denied as the phone number can be acquired through White Pages and Barr gives the number out to citizens he doesn't even know, like Heather Vickers on April 11th 2025.
30) Line 48 is denied as other people redressing grievances for Barr's bad acts would have by their own admission happened on one of Barr's multiple phone lines, so he still would have got the calls.
31) Line 49 is denied as Plaintiff has no way to prove all redress calls from citizens were because of Defendant, in fact it lacks credulity.
32) Line 50 is denied because Defendant never called Barr and there has been zero admissible evidence put forth to prove any of these claims.
33) Line 51 is denied because a construction worker like Plaintiff wouldn't be that upset by bad language on a voicemail. DRAMA.
34) Line 52 is denied because Defendant has zero connection to Atlanta.
35) Line 55 is denied as the statements on the sign can't be defamatory because they were not portrayed as factual and were portrayed as a joke based on U.S. supreme court case law.
36) Line 56 is denied as Evelyn C. Barr was not portrayed as having actually committed a crime and Evelyn C. Barr isn't a party to this case therefore can't seek damages.
37) Line 57 Defendant Porter made those statements while laughing at the hilarious joke that no person of average intellect would ever believe was true. Plaintiff can't speak to my state of mind.
38) Line 58 I deny these allegations as these folks are not parties to the case and can't legally seek damages as well as the fact are not represented by the attorney making these insane claims.
39) Line 61 is denied because at this point Plaintiff's attorneys are making it appear I killed a puppy in front of his children or something. It's just a sign.
40) Line 62 and 63 are denied based on how ridiculous it is to believe that a yard sign installed on the other side of the county hurt your health.
41) Line 65 – 69 are denied as ridiculous and a fraud on the court. John Barr uses this line to discuss county nosiness. He used it on December 16th 2025 to talk about me and I can prove it. John Barr is playing this court's heart strings, but at the end of the day no man survives 20 years in politics being as frail as he pretends to be.

42) Lines 70-77 again are denied as this sign was a joke that people in town did not think was somehow a news report on some white trash person's driveway. Plaintiff suffered no damages and only filed when he could not stop Defendant from humiliating Plaintiff with his public comments and his First Amendment protected displays.

COUNT BY COUNT DENIAL

COUNT I DEFAMATION DENIAL

Defendant re-incorporates and reasserts all statements made in foregoing answer as a defense to the ridiculous claim of being defamed by a Political Parody sign in an election year, by a politician.

COUNT II INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Defendant re-incorporates and reasserts all statements made in foregoing answer as a defense to the ridiculous claim of IIED over a yard sign. IIED as a cause of action for free speech or speech related issues was ended with *Snyder v, Phelps* (The Westboro Baptist Church Case) as well as in *The Hustler Magazine Inc v. Falwell* wherein IIED was claimed over political protests in the first case and this exact parody advertisement in the second case. Plaintiff has put forth no admissible evidence to substantiate anything like this let alone $10,000,000 worth of justification against a man who doesn't even own the sign or a car for that matter. IIED is not for a cause of action for a yard sign.

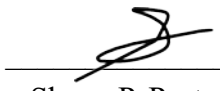
COUNT III FALSE LIGHT INVASION OF PRIVACY (PUBLIC DISCLOSURE OF PRIVATE FACTS)

Defendant re-incorporates and reasserts all statements made in foregoing answer as a defense to the ridiculous claim that a cell phone number easily proven as used for county business with citizens and politicians calling it, is somehow the same as telling everyone in town this man's HIV results, which is what this cause of action is intended for. This isn't a social security number, it's a cell phone number that if he likes you is ok for county /citizen use but if he doesn't like you or your point of view it's not ok for county or citizen use.

COUNT IV FALSE LIGHT INVASION OF PRIVACY

Defendant re-incorporates and reasserts all statements made in foregoing answer as a defense to the ridiculous claim that anyone believed he had sex with his mother. John Barr already has a reputation of incest and child sex abuse at the Circuit Court clerks office. John Barr has a reputation already in the community for arresting his political enemies for speaking out against him. No reasonable person thought the sign disseminated true information and his reputation in the community is already far worse due to child sex crime allegations and documents that the court thought should remain unsealed as John Barr IS A PUBLIC FIGURE, A POLITICIAN, TRYING TO STOP A CITIZEN FOR

FROM FREE SPEECH AT PUBLIC MEETINGS. THIS SUIT IS REVENGE AND EXTORTION.


6/27/25

Shaun P. Porter
6583Edgewood Rd
New Market, MD 21774
Defendant Shaun Porter, *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing, "ANSWER TO COMPLAINT_" and all exhibits on attorney of record on MDEC and at sarahspitalnickesq@gmail.com on 6/27/25.

6/27/25

Shaun P. Porter
6583 Edgewood Rd
New Market, MD 21774

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR	*	
Plaintiff	*	
v.	*	CASE NO: C-21-CV-25-161
SHAUN PORTER	*	
Defendant	*	

ADMINISTRATIVE MEMORANDUM

It is my understanding that a litigant has filed a notice of appeal that indicates an outside firm has been contracted to prepare the transcript of proceedings to complete the record. An official transcript is a certified, verbatim written record of court proceedings prepared by an authorized court reporter or transcriptionist. In the Circuit Court for Washington County, Maryland, in-house court reporters are employed prepare all official transcripts for use in this Court and for use by Appellate Courts. No outside firm is presently authorized to do so. Any attempt to file a transcript that is not certified by a court reporter for this Circuit Court as an official transcript shall be rejected by the Clerk of the Court.

7/1/2025
Date

Brett R. Wilson
Administrative Judge

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E-SERVED Washington Circuit Court 7/1/2025 3:24 PM System SystemEnvelope:21872957
E-FILED; Washington Circuit Court
Docket: 7/1/2025 3:24 PM; Submission: 7/1/2025 3:24 PM
Envelope: 21872957

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR	*	
Plaintiff	*	
v.	*	CASE NO: C-21-CV-25-161
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Brett R. Wilson
Administrative Judge

RECEIVED
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Entered By

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JOHN BARR *

Plaintiff *

Vs CASE NO. C-21-CV-25-000161

*

SHAUN PORTER

*

Defendant

OFFICIAL TRANSCRIPT OF PROCEEDINGS

Hagerstown, Maryland 21740

June 12, 2025

BEFORE:

The Honorable Stephen Sfekas, Esq.

Appearances:

Plaintiff: Sarah Spitalnick, Esq.

Defendant: Shaun Porter, Pro Se

Transcribed from electronic recording by:

Tressa Clifford
Circuit Court for Washington County
24 Summit Avenue
Hagerstown, Maryland 21740
240-313-2544

Entered: Clerk, Circuit Court for
Washington County, MD
July 10, 2025

INDEX

	Page No.:
Preliminaries	4
Motion to Recuse Ruling	4
Motion to Change Venue Ruling	5
Motion to Dismiss Argument:	
The Court	5
Mr. Porter, Pro Se	6
Ms. Spitalnick, Esq.	33
Mr. Porter, Pro Se	40
Court's Ruling	52
Discovery discussion	52

P R O C E E D I N G S

THE BAILIFF: All rise, the Circuit Court for Washington County is now in session the Honorable Stephen Sfekas is presiding.

THE COURT: Thank you, close enough. Thank you ladies and gentlemen, you may all be seated. Oh, terrific. All righty. Madam Clerk, could you call the case for us please?

THE CLERK: Case C-21-CV-25-000161 John Barr versus Shaun Porter.

THE COURT: Okay, could you introduce yourselves?

MR. PORTER: Shaun Porter, defendant.

MS. SPITALNICK: Sarah Spitalnick, counsel for plaintiff, John Barr.

THE COURT: Okay, and Mr. Barr's not here it appears?

MS. SPITALNICK: No, he will not be here today.

THE COURT: He will not be here, okay. All right. This is a -- actually a series of motions that I am going to be dealing with this morning and I'm going to call them as I think they're out there. If there's any I miss, please call it to my attention.

The, the first motion is a motion for me to recuse myself. Let me just say, recusal is up to the sound discretion of the Court. Mr. Porter noted that I

admonished him the last time we were in court in a different proceeding, it was about use of language and I'm going to address that issue today and I understand your position. I do feel though, and I'm morally obligated to give you a fair trial. I'm committed to giving you a fair trial. So, I'm not going to be recusing myself, but I understand your concern.

Secondly, there was a motion to change venue. There are two issues with that motion. The first is of course that it's untimely. Those motions have to be raised with the first pleading. But in any event the, the only basis for the motion was that there was an article, at least the only basis that I saw was that there was an article in the Hagerstown Herald, I think is the newspaper?

MR. PORTER: Herald Mail, Your Honor.

THE COURT: Herald Mail, okay, and I recognize that that could be of concern to you, however, I believe that with proper voir dire we can make sure we have a jury that will be fair and impartial in hearing your case.

Additionally, a change of venue is not appropriate because all of the parties, all counsel and the incident itself all took place in Washington County. I don't see that there's any particular reason why it can't be done fairly in Washington County. So, the motion

to recuse is denied. The motion to change venue is also denied.

Now the more substantive issue that we have today is going to be the motion to dismiss and in the alternative for summary judgment that Mr. Porter filed. Now, there's two parts to that. There's a couple -- well, there's more than two parts. There are a couple of issues which I believe are minor issues and are not dispositive. That would be the res judicata. This is clearly not a res judicata situation. The allegations of possible fraud and the like I don't think those are serious issues.

There are two issues I think that do need to be addressed. The one is whether or not this is a SLAPP suit, and the other one is whether or not this is a parody of the type that the Supreme Court dealt with in the Hustler Falwell case.

So, what I would like right now, I have read the submissions by both sides and the, and the supporting documentation. I have read the cases of course and I'm familiar with your, what you have submitted. So, Mr. Porter, what we're going to have right now is brief oral argument. Now in this you, I'd like for you to address anything that you think you want me to know from your prospective about your motions. You don't have to repeat anything you've already had in your brief unless you want

to, and you don't have to say anything today if you don't wish to. As I say, I have read your materials. I've read everything including all of the, all of the exhibits that you submitted.

So, is there anything you wanted to say amplified --

MR. PORTER: Yes, Your Honor.

THE COURT: Okay, go ahead, sir.

MR. PORTER: All right, do you mind if I sit while I --

THE COURT: That's fine, go ahead.

MR. PORTER: So, Your Honor, the elements of anti-SLAPP, I'm just going to go over this again. Bad faith, essentially three peace orders were brought against me to keep me from participating in public meetings and speaking out and they were not granted and then the next business day this SLAPP lawsuit was filed against me, again with a specific intent to, to keep me from participating in public meetings, from bringing a sign to public meetings. On and on we go. We got a --

THE COURT: Well, if I may ask you a question?

MR. PORTER: Sure.

THE COURT: Now when you say with a specific intent, how do you know that to be the case?

MR. PORTER: Well, because he actually told

Heather Vickers in a phone call on April 11th, you'll see an affidavit of Heather Vickers. She had emailed John Barr at his official email, and he responded with a phone number that he claims is only used for personal business which isn't true, because I can prove on December 16th he was texting about me to a fellow citizen in Washington County about County business on that very phone number. And of course he gave it out to this Heather Vickers woman.

The peace orders didn't -- she said something to the effect, it's in the affidavit that she signed.

THE COURT: Mm-hm.

MR. PORTER: That the peace orders didn't work, so I sued him. That's pretty obvious. Then at the Flying Box Cars on Tuesday night's came in a --

THE COURT: I'm sorry, Flying Box Cars?

MR. PORTER: That's our local baseball team.

THE COURT: They're called the -- are they really?

MR. PORTER: Yes, yes, Your Honor --

THE COURT: Okay.

MR. PORTER: -- it's the Flying Box Cars.

THE COURT: They used to be, they used to be the Hagerstown Suns I think, right?

MR. PORTER: Yes, but they changed names and John

Barr had a new stadium built with money from, from the Governor and we are now the Flying Box Cars because that has to do with the airplanes that Fairchild produced during World War II, I believe.

THE COURT: Right, got it.

MR. PORTER: So, long story short, he was actually opining in the Antietam Cable boxes as recently as Tuesday evening for the game Tuesday that he was confronted by an individual in the community about what about this Shaun Porter guy protesting you? And he responded, well I'm suing him and went on a rant about the lawsuit.

THE COURT: Mm-hm.

MR. PORTER: So, this lawsuit has unequivocally only arisen because of my participation in public meetings with this very sign here and about me protesting him for the upcoming election which we're less than a year away from the primary. Washington County it's a one party rule Republican, the Republican primary is the only election that matters for choosing a commissioner and that would be the urgency, obviously, in this matter and why he's trying to stop me. Besides the three peace orders, besides having people arrested for free speech --

THE COURT: Let, let me ask you this, the -- I have not seen the peace orders. I'm taking your word for

it for just a moment.

MR. PORTER: It's in the record.

THE COURT: But what is -- what, what are the instances from which the peace orders arose? I know that there was -- you've had difficulties in County Commission proceedings.

MR. PORTER: Yes.

THE COURT: That's what the peace orders are about?

MR. PORTER: The peace order was essentially argued this way, individuals who I've never spoken to or had contact with, one person I had like limited contact with had no problems with, said that my speeches against John Barr and calling for him to resign and calling for him to be voted out of office in my protests of John Barr made them afraid that a third party would get upset and incited to causing, you know, a, a, a, an attack wherein they could be hurt. So, they weren't afraid of me directly, they were afraid of my, my speech and they didn't like my emails much like His Honor didn't like my emails regarding Victor Cretella in response to his harassment of me in the March 7th hearing --

THE COURT: Mm-hm.

MR. PORTER: -- that was discussed here, outside and in front of Adam Greivell.

The peace orders were not granted, obviously. But it was basically they, they were initially taken out of the name of the County and then the County crossed the name of Washington County Board of County Commissioners out --

THE COURT: Mm-hm.

MR. PORTER: -- because they were seeking to have me not show up to public meetings for six months and then they substituted three different employees who basically travel with the Commissioners. So, at no point in time would I ever be able to attend Commissioner proceedings again if those peace orders had been granted.

They obviously were not granted because being afraid that my free speech against John Barr would lead to a third party then attacking these other non, non-involved parties that I wasn't protesting, had no problems with, because they're not elected officials, they're just employees of the Board, Judge Finan, you know, ruled that that was not grounds to get a peace order and they were, they were all dismissed.

But that again was the government trying to stop my free speech on March 28th and stop my participation in public meetings, stop my redress of grievances and that is all part of this case.

Then the very next thing, the very next business

day this lawsuit was filed. This ten-million-dollar law suit was filed and the service, I got this certified letter from the attorney that -- by the way the attorney is paid for by Washington County. Jonathan Gross was paid $9400 and his invoices correlate with the peace order hearing and they also correlate with the filing of this lawsuit and the preparation of this lawsuit. However, they are heavily redacted, and we had to go to the Public Information Act Compliance Board, right now it's at the ombudsman stage because we want unredacted copies of it. Obviously, that would be something I would need in discovery, is to find out if the Government's paying to pursue a lawsuit against a private citizen on behalf of a politician to advance his political career and chance for re-election in this election cycle.

Long story short, I got a demand letter that if I were to, within five days of this letter being sent, refrain from further defamatory conduct -- now, this is basically stating, silence yourself by the 15th of April, because this was sent on the 10th and you're, you're good to go and no further legal action would be taken and this matter wouldn't be proceeding here today. So, if you're going to give up ten million dollars in damages which aren't articulated in the four corners of the complaint over just not showing up to public meetings and not

participating in further defamatory -- which is just simply me yelling at him at public meetings during my comment time about how upset I am at his job performance, that is the definition of SLAPP. This isn't a good faith settlement negotiation. This is a strong-arm tactic to extort me from my First Amendment Freedom of Speech during an election year when it's most important.

And the thing is the lawsuit, the guy that paid for this and the guy who owns this sign, isn't named in the suit. Only the guy who speaks out is. The guy who stood on the opposite side of the sign in a public meeting and held it, we went to one public meeting with this sign -- and they were complaining that it was broadcast by Washington County with the sign at the public meeting. The guy who stood next to me and held the sign on the opposite side -- without which that wouldn't be possible because it's a big sign and hard to handle -- he's not named in it. And obviously, the guy who paid for it without which this sign would never have been created and it is not possible is not joined in this lawsuit. It's not, it's, it's literally just targeted at me, and they thought I would fold like a house of cards when I saw in excess of ten million dollars written on a lawsuit.

So, when they wrote in excess of ten million dollars, that is obviously to send a shock, shock to me, a

shot across the bow to scare the heck out of me. If this was a serious lawsuit it would say over $75,000 to get it in front of a jury, it wouldn't say in excess of ten million dollars. Which is crazy for a guy who articulated no damages whatsoever other than a ruined Christmas, which obviously no one would believe that someone lost their faith in our Lord and Savior Jesus Christ of Nazareth over a sign in some, you know, rednecks yard on a road that's not even paved. Because it's a tar and chip road.

Compari Liquor would never ever have an advertisement, let alone with me as a spokesperson, on a tar and chip road in eastern Washington County where PBR wouldn't even spend money advertising. It's ridiculous to think that a fine Italian liquor of that sort of price range would ever be advertised by a reprobate like myself with a ninth grade education let alone the venue in which the sign was displayed is clearly a joke. And there have been a dozen or more joke political signs also paid for by Justin Holder in that exact spot that are not even being discussed here. Everyone knows, drive by and see the hilarious, stupid sign. The post on the internet says, "Hilarious, funniest ever." It's not presented as a serious matter. It is literally presented as a joke.

And Your Honor, if I may, I'm going to rise for just a second. This is a little bit of courtroom theater.

Obviously, everybody in this courtroom knows that Coca-Cola --

THE COURT: Okay, Mr. Porter, remember you're only addressing me, not the gallery. I, I did note that. There are many courts in this State in which you would not be permitted in the courthouse with that shirt. Do you understand that?

MR. PORTER: I do understand that and it's for demonstrative purposes only. I literally bought this shirt just for today. Coca-Cola is not going to sue me for trademark infringement, Your Honor, because it's obviously a joke. Anyone sees it, reads it, knows it, knows it a joke. It's portrayed as a joke. The venue in which it's displayed is obviously not an advertisement for Coca-Cola and they obviously didn't diversify into the cocaine trade. Nor would they ever hire me to be their spokesperson and sole representative of their new product line because I'm not qualified to do so.

But long story short, this is a joke sign. It's a political sign and it was posted in a County right-of-way on a tar and chip road. It was paid for by a guy who is not in this courtroom, not named in the suit. And it was displayed by myself and another man not named in this suit. They all know who exactly these people are.

It's because I'm the one who speaks up at public

meetings and I'm the one that can go to a public meeting and get 150 to 200 million views on social media about issues that I care about with my passionate pleas on behalf of my civil causes, you know, the different causes that I believe in. Public speaking is what I do. I was public speaking last night. ABC News filmed me in case I did something crazy. Actually channel 7, WJLA, I apologize Your Honor.

THE COURT: Mm-hm.

MR. PORTER: Because the last meeting generated so much controversy three weeks prior, I got like 20 million views on social media and it, it went, basically my message went everywhere and within days of me speaking out on behalf of my issue they decided to side with me because of the public outcry on behalf of that social issue. Which again, was free speech and not forcing compel of speech upon citizens and not firing teachers or disciplining teachers for not using preferred pronouns of students. That was a policy I was speaking out against saying it was unamerican and yeah, I ended my speech with mooning the Board which is why 20 million people watch it. I was wearing underwear. I know, I'm not exposing anything. Obviously, it's, it's theater.

John Barr didn't like my theater. John Bar hired an attorney to file this and literally paid $5,000 the day

after this marathon of mooning that took place on March 18th, I got peace orders right afterwards, March 20th, and court was on the 28th. I think it was because it was over the weekend, so it was a like a little bit longer than seven days, but it was filed on the 21st.

But again, it was just to dissuade my participation in public meetings because they don't like my free speech, and I don't blame them. I mean my free speech is meant to be shocking just so that people watch it. Andrew Dice Clay doesn't talk like he does when he's at home with his lovely young girlfriend or what have you. Or, or hanging out with his children. Obviously, it is a façade, and it is meant to get attention to social issues and political issues.

Right now, my political issue is getting the entrenched republican bureaucracy that's been in there for 20 years and I feel is ruining the County out of office. That is literally my only goal is to go and speak publicly and to talk about the issues and they simply don't like it. They, they tried an illegal no trespass order, which is about to expire when the Attorney General's Office comes back in a week with a ruling on the six months ban for the recitation of Cohen versus California. I accurately described the words on the back of Paul Cohen's jacket that he wore in 1969 that was adjudicated in 1971.

Obviously, you know what those words are and as a result of that and of course ending it with mooning John Barr, again while wearing underwear, while walking back to my seat within my three minutes the floor had yielded to me, just in an expressive artistic expression of how I, my deep heartfelt political belief of John Barr and the absolute lack of respect I have for him as a politician based on the way his governed this County and the way he's enriched his friends and basically turned his nose up to citizens, including me, on several different occasions as if we don't matter and as if we're peasants. And because I'm not with the same political party as Mr. Barr, I'm a registered independent. I don't like to behold, be beholden to either side in any particular issue. But that is the whole reason we are here today, and ten million dollars is ridiculous to go after a guy who don't even own a car.

But the bottom line in this, this whole matter and the reason why it is a SLAPP lawsuit is because of the timing, because it was after the mooning, because he's made statements to people he didn't even know who, who through affidavit have given admissible evidence and are willing to appear before this Court and other courts in subsequent proceedings that are evidentiary. Again, this, this lawsuit was not filed under verification. There's no

affidavits from Mr. Barr on the record. This was just a story and it actually seems as if, if you read it it actually looks like they're suing on behalf of a dead woman, Evelyn Barr, his mother, whom I don't know and did not reference in the sign other than obviously through the excerpt that was, that came straight out of the Hustler Magazine Incorporated versus Falwell case which is on the sign. Clearly, it's a joke. No one believes it. And it wouldn't be a funny joke if it were in fact true. It was never portrayed as true. It was portrayed as a joke. When it appeared in public it was with me dressed as an elf. I don't think anyone takes elves seriously as news casters or broadcast presenters. And at no point in time did I seriously portray it as anything other than a joke. It was labeled on social media a post which have been deleted since my Facebook page was deleted by the, I believe the County's petitioning of Facebook to have it taken down.

"Funniest political sign ever". "Most hilarious political sign this season". If he really did have sex with his mother in an outhouse for his first time that obviously wouldn't be funny.

Furthermore, in this case he's, he's claiming he was afraid of persecution for some -- for an act that would be outside the statute of limitations of incest.

The sign clearly alleges it happened in Lynchburg, Virginia and they cite the Maryland Criminal Code, and he's worried about being prosecuted for a Maryland law for an event that allegedly took place in Lynchburg, Virginia, a city he's never been to, which obviously is part of the whole reason why this is a joke not meant to be taken seriously. And everybody who sees it knows it's from the People versus Larry Flynt movie, which is based on the caselaw of Hustler Magazine, Incorporated versus Falwell.

So, I literally portray signs, and I have a reputation in the community for a decade of portraying signs based on the United States Supreme Court caselaw. I literally had a very controversial issue at Frederick Community College two years ago where they attempted to have me arrested for having a sign with exactly what was on Paul Cohen's jacket that he was arrested for for disorderly conduct and they were attempting to arrest me for guess what, disorderly conduct. For "F the draft, end the war" on a sign just standing there minding my business, listening to music on a college campus that had recently made the news for coming out against free speech and trying to have a preacher arrested for talking about Jesus on the exact same spot where I was standing with my Supreme Court caselaw from Cohen versus California written on a sign as a public display exactly like, like, you know

Justice Harlan had ruled in that case, one man's vulgarity is another man's lyric.

Obviously, this is something I'm passionate about is free speech. Not that I necessarily agree with speech, but using it to get attention to my causes and speaking out as a zealous advocate, not in a legal sense but in the sense of for whatever I'm advocating.

And right now, I'm advocating for new leadership. I'm advocating for John Barr and Jeff Cline to be voted out of office. I don't believe Derick Harvey is going to make it again. Randy Wagner decided to resign after I protested him.

Long story short, Your Honor, I believe this was filed in bad faith because obviously it's a joke. It's based on U.S. Supreme Court caselaw. I trusted nine U.S. Supreme Justices to, to lead me in the creation of this sign with Justin Holder, obviously co-creator and the person who funded it. It would be like suing the show Seinfeld for defamation for something that was in the script and suing only Jerry Seinfeld and not including Larry David or Steve Bannon, the financier of the show Seinfeld.

I mean I've made this in, obviously I've, I've said this to the Court before.

THE COURT: Mm-hm.

MR. PORTER: But again, this is all related to my communication to a government body with this sign, that's what its based on. The pictures and the exhibits in this 13 page lawsuit are, are all taken, except for I think two, are taken at public meetings, in front of the public meetings building.

If I hadn't gone to the public meeting and I wasn't speaking out against John Barr I'd never be here today, Your Honor.

Also, the, the whole malice, evil intent thing. My First Amendment protected free political speech to try and get a political person out of office is not evil. It can't be constitutional malice. It is literally our right to protest for redress of grievances, to petition our government for redress of grievances and to protest against a -- basically every single person that goes around calling Trump a Nazi would have to be sued for, for defamation. Every single private citizen who doesn't make a dime from this.

I get, these social media posts contrary to as they're portrayed, no revenue. I'm not getting paid. This is my politic -- I used to, I used to march in Washington in the 90's. I used to donate to political campaigns in the 2000's and now I just do public speaking when I can and talk about issues I care about. I go to

meetings. I talk to a lot of people.

You know, I'll do signs, a lot of times the signs are sponsored by people like this, this series of signs featuring John Barr and the County Commissioners is obviously paid for and financed by Justin Holder without which these signs would never be here. He's a necessary party that should have been joined, making this complaint deficient in it's filing. But it's just, it's kind of, it's indicative of the fact that this is just to silence my free speech because all of the, all of the needed parties weren't joined in this. They were actually notified immediately after the finding by Justin Holder begging to be added in as an amended party. You know, amending the, the caption to include Justin Holder and they refused to do so, because Justin Holder is not the guy whose out there speaking out against John Barr. Shaun Porter is.

James Hawkins the guy that's carrying this to public meetings with me on the other side of me, he's necessary to keep it stabilized so that we can hold it, and they changed the camera angle afterwards, so it's doesn't, it's not even, it's a moot point at this point. He is not named in this either because he doesn't speak out because he has emphysema. He's not, he's not going to sit there and give a three minute long winded speech about

someone's heartfelt political beliefs.

But just real briefly, I, I believe this is definitely worthy of a dismissal under the 5-807(c), that is the Maryland Anti-SLAPP Statute. Again, this is a public figure. He's not just a public figure. He is the highest elected official in Washington County. This is a, this is an election year. They're asking the Court to gag and silence the free speech of a citizen who simply wants to voice his opposition to a particular candidate that they don't like, and they don't want to actually see elected. I mean that's, that's a God given right, Your Honor.

THE COURT: Okay.

MR. PORTER: And this, no one has seen this and said, oh my God, he really did have sex with his mother in an outhouse. While Jeff Cline wasted on Campari Liquor. I'm literally referencing his Vice President of the Board of County Commissioners in this sign. Jeff Cline is in there. They know that he wasn't -- Jeff Cline -- he's a known drunkard that killed a kid in 1974 in a DUI accident. Every, everyone knows he's a drunkard. He goes around, he's a party guy. That's why he's in there.

THE COURT: Okay, let me -- you don't have to quote additional lawsuits whenever you're testifying right now. Thank you. Did you have anything else that you

wanted to say, sir?

MR. PORTER: Yeah, I just wanted to go over real quickly, Court's brief indulgence. I just want to check my notes. Obviously, I'm not an accomplished attorney like the individual here.

I believe that failure to join Justin Holder, he's a necessary party, it is prejudicial to me and it, it also, it's incomplete and the fact that he's not here to represent his interests. He still owns this sign. He paid for it. It is a $127 beauty that came from the wonderful esteemed people at the UPS store. So, I believe he's required to be joined. That is, again, that's part of my motion to dismiss under 2-201.

Let's see here. Again, this is to stop me from exercising my First Amendment Rights. Displaying a sign, protesting John Barr. Again, this is an issue of public concern in that it is an election year and we're simply trying to get him voted out of office. There's a lot of people that don't like John Barr in the community. They obviously are supportive of me and my efforts going to public meetings trying to get him voted out of office by talking about his policies that have failed including arresting citizens like on June 3rd, they arrested a man for calling for his resignation. That, that is despicable. It's in the record.

THE COURT: Mm-hm.

MR. PORTER: I put it in there. I, I got to witness his arrest. It was ridiculous.

I believe they failed to state a claim, in so far as the relief that they're granting. All of the injunctive relief can't be granted. The sign is clearly marked satire. You can't, you can't enjoin me from the signs being displayed or anything like that because it's clearly marked satire. No, and no reasonable person would think that any of it on there is actually true. It's a joke. It's three sentences on there.

The amount of money they're seeking, ten million dollars for compensatory damages when they've articulated no actual damages. They say, yeah, it ruined Christmas. That wouldn't be compensatory damages. Compensatory damages is medical bills, stuff like that. None of that has been presented.

I attempted to -- obviously as His Honor knows, I attempted to depose this man to try to find out exactly what his damages could be and of course I was blocked from discovery. I was unable to depose Mr. Barr. And it's funny because she actually stated --

THE COURT: Well, before you go any further. It was blocked until the, this day of hearing.

MR. PORTER: Oh, okay.

THE COURT: Not, not forever. It was just blocked --

MR. PORTER: Okay.

THE COURT: -- this interim period while we were considering these motions.

MR. PORTER: Okay, no problem.

THE COURT: Because I'm going to be addressing -- a little bit later I'm going to be addressing the discovery issues.

MR. PORTER: Okay.

THE COURT: Okay.

MR. PORTER: No problem. I misunderstood that. I thought I was --

THE COURT: No, that's quite all right.

MR. PORTER: -- precluded from discovery for ever.

THE COURT: No, you're not precluded from discovery forever at all.

MR. PORTER: Okay, it was, -- it's interesting to note that in the opposition written by Ms. Spitalnick, which quoted the OJ Simpson case, I don't know how that relates to a political sign, she actually stated that it was possible and likely that this case would get dismissed at the MTD hearings and so that's why the, this was in the motion to quash the subpoena or the, the deposition. It

was likely that this was going to prevail in the motion to dismiss stage and the case could be dismissed and all that. That was standing in there --

THE COURT: She didn't say -- I don't think she said it was likely, she said it was a possibility. But in any event.

MR. PORTER: Yeah, I'm just pointing it out --

THE COURT: Well, it's always a possibility. No one knows how I'm going to rule yet.

MR. PORTER: Yep, nobody knows, absolutely.

THE COURT: Okay.

MR. PORTER: So, just to get through this real quickly, because I know that the Court has better things to do than to deal with my potty mouth.

Let's see, failure to state a claim for relief that can be granted. Obviously, there's not ten million dollars in compensatory damages for a guy having a sign out on a County right of way on a tar and chip road --

THE COURT: Mm-hm.

MR. PORTER: -- let alone ten million dollars. It just seems absolutely ridiculous. And there's no damages articulated. A ruined Christmas, I googled how much that's worth, I couldn't get a result. There, it doesn't make any sense to me about a ruined Christmas. The cease and desist, again, I think that's evidence of

bad faith which is an element of the Maryland Anti-SLAPP Statute which I, I meet all, all of the Anti-SLAPP statute aspects of it. And it's all arising from my participation in public meetings. It, it's filed in bad faith. There is no Constitutional malice. It's actually First Amendment protected civil right to protest a politician. And again, a politician is even less protected than Reverend Jerry Falwell would have been because I mean we have an absolute right to redress the grievances to our government and he is an elected official, and I am redressing grievances.

But it's intended to inhibit or does inhibit my participation in public meetings and the exercise, and the free exercising of my First Amendment Rights by scaring the living crap out of me. I mean ten million dollars, you ask me for $10,000 I can't produce it. So, to sue me for ten million dollars in Washington County is absolutely insane and it has a definite fear factor that would deter people from protesting John Barr, which is all I believe the intent of this whole lawsuit is. And, you know, front page news, you know, Herald Mail, to stop me from protesting and to send a message that, you know, you come against John Barr you're going to get arrested at a public meeting like, like poor, poor Curtis did on June 3rd. You're going to get sued for ten million dollars. Do not

come out against John Barr. He's been in power 20 years. He's not giving up that gavel. That's the problem.

No one likes the way he's ruled. It comes down to 4,000 primary voters, most people don't get out in the primary to vote. And that's really the only election that matters in Washington County because it's a one party rule County at this point in time.

But again, every single element of Maryland Anti-SLAPP Statute 5-807(c) is met. I'm asking for the Court to dismiss it under that. In the alternative I'm asking that the Court dismiss it for failure to state a claim because they haven't articulated damages for which relief could be brought. There's not even an affidavit in the record. John Barr didn't sign this under verification. For all we know John Barr may not even know this lawsuit has been filed, except for he's on the front page of the newspaper and I'm sure he knows.

The lawyer was paid for with taxpayer funds. So this was, Jonathan Gross was paid $9400. She is actually employed by Washington County. During a deposition that was cut short on Monday morning, the County attorney was testifying that she is being paid by Washington County Government. So, the Government is suing a citizen and a voter to stop its participation in public meetings, to stop him from displaying a sign mocking the highest

elected member of the republican party of Washington County. And I feel that this is nothing more than an attempt to stop protests and anti John Barr sentiment in the community and I am being targeted specifically for that.

If this was a serious lawsuit again, they wouldn't have sent a cease and desist and the ten million dollars in damages disappears if you take down a sign and you stop your defamatory behavior. The key word is behavior. That's me going to public meetings and speaking out against John Barr. All of it can go away if I just stop going to public meetings and speaking out against John Barr, Your Honor. Does that sound like ten million dollars in compensatory damages? Or does that sound like this is extortion?

I feel that this is at common law extortion. I feel it meets the definition of at common law extortion. I feel it's mail and wire fraud because it was conducted obviously through the mail. Although I don't think I'm going to talk to the postal inspector about it.

Again, this is A $127 sign. Now I know his Honor may have seen a Faberge egg going to a museum in Washington, D.C., but this is more valuable than a Faberge egg. Plaintiff would like you to believe this is ten million dollars sitting right here. I've got one, two,

three sheriffs in here today, extra, extra protection just to make sure that ten million dollar sign doesn't get stolen during these proceedings. It is so valuable that it is left outside on a County right-of-way, where County trucks could take it any, any point in time they wanted to on a tar and chip road in eastern Washington County which is the foothills of the Appalachian mountains. So, this sign is displayed in Appalachia.

Furthermore, John Barr was offered on April the 10th to come and get the sign if he was so offended by it as a gesture of good will and then instead on the exact same date this little extortion agreement was drafted and sent to me rather than him coming and picking up the sign. If he was so concerned about the sign and he, he thought this sign was horrible and people actually believed that, that somehow this was a news article and that there was actually a reporter because it says on there, reporter. You know, the question and answer is like three questions on there. If he believed that it was so injurious to him, don't you think he would have sent one of his five sons to come and pick the sign up? Because Justin Holder contacted him by email and said, hey, you can come and pick the sign up anytime you want if you're so offended by it. You know, it's out at the side of the road. Never came. Didn't do that.

And at the time the lawsuit was filed, the sign was in a barn. It wasn't being used. It wasn't being displayed. I redisplayed it with the word satire after they fi, filed this ridiculous lawsuit, which by the way the summons was issued on April 1st. So, I honestly thought at first that it might have been the most ingenious April fools joke ever portrayed on an individual in the history of April fools jokes because the summons was issued on April 1st and it was filed late in the afternoon on the 31st, which again, is the next business day after the failed peace order attempt

And may I also add that after the lawsuit was filed, I was, I was trespassed from public meetings, which is a violation to the Opening Meetings Act, my First Amendment Right and my 14th Amendment Right. That's being decided by the AG.

THE COURT: I was about to say, there --

MR. PORTER: The AG is handling that.

THE COURT: No, let's, let's stick to this particular case.

MR. PORTER: I, I am.

THE COURT: Okay, fair enough.

MR. PORTER: But again, it's all in the, the constellation of efforts taken by John Barr to stop me from participating in public meetings, to stop me from

speaking out, to stop me from displaying signs. And Your Honor it's just, it's definitely a bad faith lawsuit. And again, I feel it to be a SLAPP lawsuit. It meets the criteria for SLAPP lawsuit. It meets the criteria to be dismissed on failure to state a claim.

I, I requested weeks ago that they put forth admissible evidence in the form of an affidavit. Anything to justify this lawsuit. And they didn't do anything. As a matter of fact, there's been no good faith communication. She's never emailed me once in regards to the deposition, scheduling the deposition. She just cried to the Court and screamed, protect us from the deposition. He wanted protection from telling the truth because this is just a SLAPP lawsuit, Your Honor, and thank you for letting me talk.

THE COURT: Ms. Spitalnick?

MS. SPITALNICK: I'll keep mine fairly brief. So, regarding the slap allegations, this is not going against his political activism. It's not telling him he cannot speak in public meetings, he's not allowed to go to them. It's specifically on the allegations within the sign that he even said was done to, you know, joke and ridicule Mr. Barr in his personal capacity. This has nothing to do with his ability and his job as a County Commissioner. It has nothing to do with his, Mr. Porter's

political activism. It is a direct attack on Mr. Barr's personal reputation. It has nothing to do with his official capacity and it's not public concern as seen in the brief there was other caselaw that says sexually explicit information about a public person is not a public concern. And it was done purely with the malice to harm Mr. Barr.

Going towards the allegations of Mr. Porter that Mr. Holder was not added, there is no justification why Mr. Holder needs to be here. Mr. Porter said, this is his sign. He speaks about it. He's the only person that's relevant to this and the claim.

When it comes to the damages, this is a liable pro se action. Defamation is a liable per se when it accuses someone of a crime which at that point damages are presumed by the Court they do not need to be pled within the four corners of the complaint.

There is stated relief within this complaint and when going towards the Hustler Magazine, Mr. Porter continue, continuously just states that this is exactly the same thing that the Court, Supreme Court had done in the Falwell case which is completely wrong. Specifically, Mr. Porter just said, the original signs did not have satire on it. The Falwell case specifically said in multiple areas within that magazine, this is satire, this

is satire. Do not take this as true. This was also a case over 40 years ago. Most people have never heard of it. They have no idea what this is, unless they pay attention to defamation law. And even if they do, they can see there are significant difference in context and what the signs (unintelligible).

When it comes to the Hustler Magazine, one that was a paid pornographic magazine and only people that paid would then get that. And they know this magazine comes with satire, humor, that's out it works.

Here, this is not specifically on people that pay to see it. As Mr. Porter said, he puts it all over his social media and many people saw it. It doesn't matter if he took the sign down after the first showing, the first showing was a defamatory act by itself. It doesn't need to keep going to continue the harm.

When it comes to Mr. Porter's allegations when it comes to the $10,000, ten million dollars is excessive. We listed many cases where this is normal for a political figure that this is an average amount that you ask the Court.

Also, within the Hustler Magazine that case went to a jury. A judge and the courts found that the idea, the statements are defamatory are up to the trier of fact, not the court. That whole case went all the way to a

jury.

We have very similar facts where it goes to the intent of what the intent Mr. Porter was when he put the sign out. That is a fact of a jury, that is not a legal fact. And Mr. Porter continues to say, everyone knows this case that everyone will know that it is satire. When it was posted he may say, oh this is funny, it doesn't negate the fact that it's a statement of fact. And it's pled in the complaint that Mr. Barr received multiple phone calls regarding a sign, asking about these allegations as if they were true and they were harassing, very harmful phone calls to Mr. Barr.

Obviously, people may have found this reasonable and if you ask, you know, average people in Washington County a lot of them will not know this case and will not know that movie. They will not know the sign.

Also, the way the sign is presented, it, from my personal reading of it, I didn't realize there was an ad when it was put up there. It just looked like a sign to harm Mr. Barr.

Mr. Porter has obviously made it very clear he does not like Mr. Barr. He would prefer him not be on the County Commission.

THE COURT: Well, before you go any further, I would prefer right now that you address the SLAPP

allegations.

MS. SPITALNICK: Sure.

THE COURT: And specifically, Mr. Porter has argued, number one, that, that this is a bad faith proceeding and he's argued that there were these three peace orders that were unsuccessful. That there's this conversation, alleged conversation with this third party and the like. If you could address that for me.

MS. SPITALNICK: Oh, absolutely.

THE COURT: Also, also, can you address specifically whether this is appropriately raised in a motion to dismiss, or should it await discovery because of the possibility of filing it as a summary judgment?

MS. SPITALNICK: I'm sorry, could you rephrase the last question?

THE COURT: Yes.

MS. SPITALNICK: I just want to make sure I understand.

THE COURT: Yes, this was filed as a motion to dismiss, or in the alternative as a summary judgment. All right, you have argued that it is not appropriate as a summary judgment because there's been no discovery at this point. So, as motions to dismiss, what is your response?

MS. SPITALNICK: That there are, the complaint is easily pled. They are claims in which relief can be

granted. It's obviously, based on law that this could be, that this is defamation. That there was damages. Obviously, the damages are presumed, because it's defamation pro se. But as a matter of law, this is a defamatory statement and Mr. Porter has fully acknowledged that he knew it was false. It's about Mr. Port -- I mean about Mr. Barr, published to third parties about the plaintiff and the plaintiff was harmed.

He has as in the brief every element of defamation and I, IIED, Barr has pled clearly within the matter of law. There was not reason to dismiss the complaint when the claims are pled correctly.

When it comes to SLAPP, the SLAPP, Mr. Porter, I understand you know he had these peace orders right before this was filed. He has issues with the County Commissioners and the meetings. But this has nothing to do with silencing him. Nowhere in the complaint does it say he's not allowed to go to Commissioner meetings. Nowhere in the complaint does it say that he's not allowed to talk about John Barr. It is specifically this sign, these allegations which are separate from the Commissioner meetings. At no point was this suit filed to stop Mr. Porter from talking. It's just this sign.

He can go out and say everything else that he says about Mr. Barr as much as he wants. This suit does

not affect that at all. And within that cease and desist letter that he brought up, that is a normal demand letter that is sent in many cases I've worked on. When trying to settle you file a suit, you send a mail letter saying, hey, we're willing to settle for this, are you willing to work with it? You know, we'll not go forward if you just want to, you know, redress the grievances, that's totally fine. It's not extortion. It's not asking to do anything. It was literally just saying, if we want to avoid all of this if you just stop putting the sign up, stop speaking about this specific issue, this personal attack on Mr. Barr, you are fine. But it has nothing to do with Mr. Porter going to Commissioner meetings. It has nothing to do with his politics. The sign itself has nothing political on it. It's purely a personal attack knowing it's false and Mr. Porter is allowed to keep talking. Mr. Barr is not telling him, he's not asking him to stop any of this political speech. It's this sign in particular.

And I know Mr. Porter says the defamatory behavior within that cease and desist letter is all of his behavior. It is not. It is this suit, with this specific allegation. He can go to Commissioner's meetings and say what he wants about Mr. Barr. He has the right to do that. That is fine. This is completely separate. We're

not, Mr. Barr is not trying to silence any free speech. This is a defamatory statement and Mr. Porter is trying to elude out of it saying oh, it was already decided so, he can put a defamatory statement out there and never have to be liable for it even though he knows that it is false, and it was portrayed as fact. Many people read it as fact. Mr. Barr got calls about it that was fact.

And then the last point I just want to make quickly that Mr. Porter brought up that Mr. Barr didn't sign his complaint. You don't need a verified complaint in Maryland as long as a complaint is filed. It's up to the plaintiffs or defendants if they want to do anything verified. Everything else though is within our brief and the opposition.

THE COURT: Okay, thank you. Thank you very much. All right.

MR. PORTER: Your Honor, is there any way I can rebut some of the completely false statements? Like the fact that it says Commissioner on here when she said this was me trying to defame him in his personal capacity. It clearly says Commissioner.

THE COURT: All right, well you're asking for permission. You seem to be taking it. So, I'm going to allow you very briefly --

MR. PORTER: Okay.

THE COURT: -- you've already spoken at some length.

MR. PORTER: Real quickly, Your Honor, she mentioned intentional infliction of emotional distress which in 2012 died as it relates to free speech with the regrettable, horrific case of Westboro Baptist Church Snyder v. Phelps. As the Court knows, they had signs.

THE COURT: Yeah.

MR. PORTER: They had protests. It was horrible what they did to those soldiers. But this is 100 percent related to politics. It's not his personal -- it says Commissioner on the sign. It has another Commissioner at the bottom of the sign finishing the story that he was, Jeff Cline wasted on Campari Liquor. This is not something any reasonable person would take seriously and again, the fact that he didn't show up, sign this, sign an affidavit, he's not here today, shows you how serious he's actually taking this alleged ten million dollar ruin Christmas lawsuit that we're dealing with here today.

And again, you know, it's, it's, the damages she's talking about, you know, defamation per se, false criminal accusations. The Statute of Limitations would have expired. The Maryland Criminal Code would not have applied because this is alleged to have happened in Lynchburg, Virginia.

THE COURT: Okay, my understanding is it isn't so much that they were likely to be prosecuted, but rather that this is an allegation that he engaged at some point in criminal conduct and that makes it a pro se violation.

MR. PORTER: Okay. So, again, the damages she was referring to that's more of a punitive thing, not compensatory. She's seeking ten million in compens -- or she on behalf of plaintiff is seeking compensatory, again, Times versus Sullivan, you know, actual constitutional malice has to exist.

My education level, again as the Court knows and I can document and prove it, ninth grade is the highest level of education completed.

THE COURT: I, I understand. Your education level is frankly not relevant.

MR. PORTER: Okay.

THE COURT: Okay.

MR. PORTER: So, again, it's filed in bad faith.

The cease and desist clearly says defamatory behavior and defamatory conduct. And it's literally written to stop me from, from mooning him in public meetings. They literally paid him five grand the day after I mooned him four times in three different meetings in two different cities. That is why I'm here today.

THE COURT: I'm sorry, how frequently did you

moon him?

MR. PORTER: Four times at three meetings in two cities.

THE COURT: Okay.

MR. PORTER: During my speech. That's how many times there were opportunities for citizens to come up and make comment.

THE COURT: I, I understand.

MR. PORTER: So, I would make my comment. I would moon him while on video and publish it. And roughly I don't know maybe ten million people saw me moon this guy and talk about how I wanted John Barr voted out of office and what my political views were on his tax increases, property tax increases and all of the things he voted for such as additional regulations on plumbing that's going to affect every single commercial property in the County.

I was speaking out on various, you know, issues that I actually cared about like tax increases, I don't like them. And this literally this is not a standard cease and desist. And this is in bad faith because at this time this sign said satire on it, all over, okay? And then on top of that --

THE COURT: I mean it doesn't literally say satire?

MR. PORTER: It does, it says satire in four or

five spots at the top and at the bottom. Do you want --

THE COURT: Were they in the original version of the sign?

MS. SPITALNICK: The -- are you asking myself or Mr. Porter?

THE COURT: You right now.

MS. SPITALNICK: The original sign did not say satire or parody anywhere on it.

THE COURT: I didn't think so. It didn't appear in the photographs. So --

MR. PORTER: Not the first, not the first version but at the time this settlement offer was made, all alleged defamatory conduct had ceased because it said satire on it and the post that did remain on social media that weren't taken down in the ordinary course of rotating content, which is what you do on social media to get your views, all of them were marked hilarious, funniest, and talking about the case Falwell, you know, Hustle Magazine versus Falwell, and a movie, the People versus Larry Flynt was discussed in the videos. I mean and everyone knows that movie, or not everyone. Many people know that movie, many people also know the case because this is a landmark case for free speech regarding, you know, parody and satire.

But more than that any reasonable person reading

this, this sign, which the venue is incorrect, oh she misspoke, Hustler Magazine is, is a business. I'm just a guy with a sign. A redneck with a sign at the end of the yard on County right-of-way property. At no point in time does anyone take that as a serious venue but a full page ad that was far longer and more detailed than this, a full page ad is taken seriously in a magazine distributed to millions of people as opposed to a redneck with a sign.

THE COURT: Okay, redneck and a sign who has mentioned several times and by the way, I don't mean to say, I'm just parroting your words --

MR. PORTER: I, I understand.

THE COURT: Yes. But you, you have social media and you, yourself have said that this has gone out on social media, and it's been seen you said many, many times.

MR. PORTER: Talking about the movie too in that video.

THE COURT: Well, I, I understand the reference to the movie, and I, I have to be candid with you, I was aware of the Hustler case. I did not follow it closely. I've never heard of the movie. So, it's not something I can take notice of. But, but anyway, is there anything else you wish to say?

MR. PORTER: It was 100 percent portrayed as

satire, no reasonable person could take it seriously. The venue was on the side of a road. No one puts advertisements for, for $100 bottle of Italian liquor on the side of a country road that's not even paved. It's just not reasonable to believe that it's serious. You know, it is on it's face farcical. It is obviously satire and every single social media post it was portrayed as such.

THE COURT: Okay.

MR. PORTER: And it was even referenced to the movie, talking about Woody Harrelson. The guy that originally filed this that made the statement that made it to the front page of the Herald Mail quoted Woody Harrelson saying maybe I should seek legal advice from Woody Harrelson. Everyone knows, not every, okay, not everyone but --

THE COURT: Thank you.

MR. PORTER: -- obviously it's well known within the community and anyone reading it knows that he didn't have sex with his mom in an outhouse for his first time. It's ridiculous.

THE COURT: Okay.

MR. PORTER: Seriously, how many people have had sex with their mother for the first time? I don't know of a single person. I'm sure it's happened at some point.

But just think about the rarity and the lack of believability. Especially about a guy, he's dressed up in a bow tie and he's, he's a Commissioner and it literally says Commissioner John Barr. Obviously, it's going after a politician. It's mocking him. It's First Amendment protected.

Our founding fathers were so much more vicious to each other than simply reposting already decided Supreme Court caselaw on a piece of plastic on the side of a road, Your Honor. Ben Franklin, those guys they went at it. All of our founding fathers were vile people in their redress to each other and their attacks on each other. Long story short this is, this is simply the only thing they could even try to get me on and that's why we're here. They looked back -- remember, this lawsuit was filed four months after the sign was displayed and removed. They waited four months. He had an opportunity to talk to me when we were standing there at the meeting. We were there for 20 minutes before the meeting started --

THE COURT: Okay.

MR. PORTER: -- he didn't say anything. There was no cease and desist when the sign was actually displayed. They waited until, until the day after I mooned them to start coming after me.

THE COURT: Okay.

MR. PORTER: That's all it was.

THE COURT: Okay.

MR. PORTER: They don't like my butt cheeks, and I don't blame them.

THE COURT: Thank you, Mr. Porter. All right, let me, let me address this. This was presented -- let me, let me begin, this is a, this is a lawsuit being brought by Mr. Barr who is the head of the County Commissioners of Washington County versus Mr., Mr. Porter who is by his own description an ordinary citizen in the County.

It is alleging that Mr. Porter has defamed Mr. Barr by, by posting a sign. It's here present in the courtroom, partially hidden, which doesn't matter, but alleging that that Mr. Barr has had his first sexual experiences with his mother in an outhouse in Lynchburg, Virginia with a what purports to be an interview with a reporter about that and the argument is, of course, that this is based upon a, almost exactly similar ad or scurrilous comment that was approved or at least that was reviewed by the Supreme Court in Hustler Magazine versus Falwell some 34 years ago.

The action is for defamation and for several other counts. I believe falsely, let's see, there were, I think there were four counts. In any event, and Mr.

Porter has filed a motion to dismiss or in the alternative for summary judgment based on the fact that this is a SLAPP suit which is a strategic lawsuit against public participation which is a specific type of defense permitted under Maryland law. And that this is a legitimate public commentary in the form of parody and therefore should not be taken literally in light of the Hustler case.

Because this is phrased as a motion to dismiss it is going to be based upon the actual, well the pleadings and they are to be taken in favor of the party against whom the motion is raised. I believe that at this point it is premature to consider any of these things as a summary judgment which means that facts that are not in the record, or not in the pleadings I think are not going to be relevant.

Now, the, the SLAPP statute is designed to deal with a specific type of problem. The type of problem is that -- and is mostly used in this kind of circumstance whereas an example a real estate developer, this is the most difficult case, is trying to get a permit or, or it is trying to change zoning or in some other fashion is trying to develop property and the Citizens Association or individual citizens protest. Of course, the lead case in Maryland is the Woodberry Development, LLC versus Council

of Owners of the Millrace Condo, 253, Md. App. 279. And that's an instructive case because in that case, the, the homeowners were suing or rather were attempting to, to prevent a change in a planned urban development, planned unit development, excuse me and the developer filed suit against the homeowners for money and both individually and collectively.

The, the Court concluded that this was in fact a SLAPP suit and gave some standards. As to what would make up bad faith as an example. So, there's issues of timing, the amount of damages, the amount of nonconclusory allegations, etcetera and overbroad discovery requests. And obviously, in that particular case there was found to be bad faith. There clearly are some elements of that in this case although not, I believe as well established as in the Woodberry case. In the Woodberry case most importantly made two other points. One was that the, the participation of the citizens had Constitutional value which is established by clear and convincing evidence that a "statement was made", and acknowledged that it was, excuse me, is not made that it is false or with reckless disregard of truth etcetera.

In this particular case what we see is that the language being used has been acknowledged by Mr. Porter to be untrue. Now, his, his other argument of course is that

this is a parody and satire. That no one would realistically believe that it was true.

But the question then becomes, is this prohibiting or in some fashion inter, interfering with the use by this, this, this sign as part of participation in public events? And I would note that by Mr. Porter's own admission this does not relate to any particular act or issue within, and certainly the pleadings don't indicate that, that it was in a public concern or involved with a specific item within the Constitutional authority of the County Commission. It is motivated by what appears to be both personal animus and also politically motivated.

For these reasons I do not think that a SLAPP, this can be dismissed at this point on the basis of a SLAPP prosecution.

Now having said -- and the other issue as to whether or not this case should be dismissed as a clear parody is a I think, I believe premature because I think that there is a necessity for discovery. It may very well be the subject of a summary judgment motion later in the day after there has been some discovery on both, both parties' parts as to whether or not in fact it is genuine parody. And of course in the Hustler case the jury itself made the decisions to whether it was in fact a parody or something else and I think that I cannot make an

assumption today that a reasonable person looking at this sign is going to assume that this is a genuine assertion of fact or whether it is a parody based on what we see in the pleadings at this point.

For these reasons I'm going to at this point deny the motion to dismiss on the basis of a SLAPP suit and also going to deny the motion to dismiss on the grounds that it was a parody.

Having said that, we are going to undergo discovery at this point and we're going to be setting in just a few moments a discovery schedule. At the end of discovery, obviously the parties are going to be permitted to file additional motions based on the facts as they have been sworn to and have entered the record as part of the discovery process. And at that point some of these issues may very well be revisited.

Now let me, let me make a point about discovery and I wanted to emphasize this just for Mr. Porter's edification. I -- it was never my intent to prevent discovery in this case.

MR. PORTER: Okay.

THE COURT: Okay, discovery is going to be permitted. Now, discovery is going to happen in the following way, now I don't know, you know, you're not an attorney, you're not represented by counsel. I do

recommend, by the way, at some point you may wish to hire counsel. I think it would be very useful to you because this is obviously a serious proceeding. But the -- what I am going to ask you to do is just to avoid any possible questions as to how discovery is being conducted, I will ask you to ask specific permission as I had in an earlier order to, to depose particular people to avoid excessive burden or people not directly involved in the case being brought into it. So, as I had in the earlier order, I am going to want you to identify the persons and their relationship to the case, what you anticipate asking that person about. I think that's legitimate.

Now, if you give and I will return, I will decide this very quickly for you. Now, from the prospective so that I don't get a whole lot of motions to quash, in the event that I do not give that permission, the deposition notice may be ignored. Okay, but if I do give permission then you will arrange for the time and place.

Now, by time and place if you are deposing somebody that means you are to arrange the court reporter. It means you are going to it in an appropriate place, an office or a conference room of some type. The people who are permitted to be present are going to be you, your counsel, if you do get counsel, the court reporter, Ms. Spitalnick, Mr. Barr and whoever is being deposed and if

that person has an attorney that person may be there as well. This is not something that's going to be done in a public street. This will be done in an orderly and appropriate fashion.

Now, you have mentioned earlier that, that you, you -- much of your public speak, speaking is performative.

MR. PORTER: Mm-hm.

THE COURT: And that you attract attention in a sense by, by violating norms. So, the t-shirt that you're wearing right now and just for the record it says, "Enjoy Cocaine." And it appears to be similar to an ad for Coca-Cola. And just parenthetically I believe Coca-Cola is the worlds major supplier of medicinal cocaine. So, they actually, believe it or not, I believe indirectly in the cocaine business. It's a by product of the, of the process.

But having, having said that, in your public speech there is certainly a, a great deal within some limits of, of tolerance for performative speaking and the like. I grant that. But we're talking about legal proceedings that are serious. And it has to be taken seriously and are not performative in nature. So, what I'm going to ask you to do is: 1) do not engage in any further abusive emails directed at opposing counsel or

parties. And I particularly, I want you to understand this, I particularly object to sexualized comment directed at female lawyers or other people. Now --

MR. PORTER: Not been made by me. That would be Holder.

THE COURT: Well, I see --

MR. PORTER: He was on that email.

THE COURT: Well, all right, I don't want to see that. I don't want to see it, I don't want to hear it, I don't -- and that I think if something like that happens, I would like Ms. Spitalnick to call it to my attention and I will take steps.

MR. PORTER: That, that would be Mr. Holder.

THE COURT: Well, he's not a party to this case.

MR. PORTER: We, we were actually discussing the 180 case.

THE COURT: Okay, let me --

MR. PORTER: It is crossed over.

THE COURT: I understand, but, but I, I want to make that clear that abusive language is not going to be tolerated. This is a serious effort. You're going to have a full opportunity to make use of your legal rights, but it's going to require on everybody's part a level of civility and appropriate behavior and comment. You have been appropriate here today.

MR. PORTER: Thank you.

THE COURT: And you have made, you have made a very thoughtful statement today. That's all I'm looking for you to do going forward, okay?

So, remember also that the point of a deposition is to ask questions and to get answers. Not to argue with the person being deposed.

Now, the, the attorney for the other side will have an opportunity to object to those questions and there's going to be two different kinds of objections. The one is going to be form of question, and when that objection is made that will be things like the question is leading, or whatever. All right, and then at that point the person will be allowed to continue to speak.

However, if questions are abusive or violate a, a privilege, the lawyer may instruct the witness not to, not to testify, in which case if you object to that you can file a motion to compel with the Court and we'll consider that. And I guarantee you I will address these things as soon as I possibly can. Okay? So those are the ground rules.

I'm going to insist on civility on everybody's part in this. I don't want, I don't want people to feel threatened, or upset, or demeaned, or insulted by anything that goes on. This is serious business. Okay, are -- is

everybody understanding that?

MS. SPITALNICK: Absolutely, Your Honor.

THE COURT: All right, and I would note that because this is the first time I'm having this conversation with you --

MR. PORTER: Mm-hm.

THE COURT: -- you notice that I have not at any point in this process, though I've had invitations from the, from the plaintiff to sanction you and the like and I have not sanctioned you at his point because we haven't had this conversation. Now we have had this conversation. So, going forward you understand what the ground rules are?

MR. PORTER: Yes, Your Honor.

THE COURT: Okay, and Ms. Spitalnick, you understand what the ground rules are as well, I believe?

MS. SPITALNICK: Absolutely, Your Honor.

THE COURT: Okay, so having said that at this point I think we are prepared to, to have -- set the schedule up. Do we have the assignment clerks here in the courtroom?

MS. HURD: Yes, Your Honor, we're here.

THE COURT: You're assignment? Why don't you come forward? And for spectators, this is the boring part of the talk, so you -- if you leave no one's feels will be

hurt. Okay. Yeah, is that comfortable? Or you can sit down if you want. It's up to you. And I apologize the chair is very low and the bench very high here. I can barely see everybody, so you have to put up with that. Okay, at this point we're going to be looking for a trial date.

MS. HURD: How many days are we needing?

MS. SPITALNICK: For plaintiff's side maybe two, two and half days I would say for us.

MR. PORTER: I don't see it taking any longer than that for sure.

THE COURT: Let's make it three days.

MS. HURD: Okay. We have May 18th through the 21st of 2026 available. That's going to be our earliest.

THE COURT: All right. May 18th through May 21st, 2026. Why don't we move backwards from here. So, the settlement and pretrial conference is roughly 30 days in advance?

MS. HURD: Yeah. April 17th at 10:30 or 1:30? Whatever is --

THE COURT: Okay.

MS. SPITALNICK: What were the two times you said?

MS. HURD: 10:30 or 1:30.

MS. SPITALNICK: Plaintiff would definitely be

more towards the 1:30, but if that doesn't work for the Court that's okay.

THE COURT: I, I'm sorry?

MS. SPITALNICK: Would -- the plaintiff would like the 1:30 time more than the 10:30 time if it's prefer -- if it's possible. It's not (unintelligible).

THE COURT: Any problem with 1:30?

MR. PORTER: I have no opinion.

THE COURT: Okay, 1:30 it is. Okay. When -- all right now we're going to set the end of discovery and dispositive motions.

MR. PORTER: Your, Your Honor, if I, if I may for a brief second?

THE COURT: Sure.

MR. PORTER: The discovery obviously the depositions and all of this stuff, since this is going on in April, I have a bit of an issue essentially with summer. My son is out of school until the last week of August, and he is not exactly easy to find childcare for. So, if, since this, since we're not even going to have a pretrial conference until April 17th of 2026, if we could push this off until the school year when my kid is actually in the Maryland School for the Deaf during the day and not in need of parental supervision, that would be advantageous, you know for me, my son and his mother.

THE COURT: Are you talking about in September rather than May?

MR. PORTER: I'm talking about the, the discovery stuff to happen in the fall because right now as of yesterday my son is out of school. It's actually causing a problem today for me to be here. So, if, if we could push off all of the discovery stuff till the fall due to the fact that we don't have --

THE COURT: I, I --

MR. PORTER: -- the pretrial until 2026, the pretrial conference, April 17th --

THE COURT: You're talking about the discovery in this case?

MR. PORTER: Correct.

THE COURT: You can, you can start doing the discovery whenever -- I mean tomorrow if you want.

MR. PORTER: Well, what I was asking was if we could preclude it until the school year starts just for the fact of childcare. Depositions taking place during the business day of Monday through Friday obviously would interfere with my care of my child.

THE COURT: Well, that's not going to be up to me.

MR. PORTER: Sure.

THE COURT: We're going to set, we're going to

set a final date by which discovery has to be completed. As far as the scheduling of particular items of discovery --

MR. PORTER: Sure.

THE COURT: -- that in a civil fashion you're going to be discussing that with counsel and arranging dates that are convenient for everybody. And I'm sure you're going to be cooperative with that. I respect the childcare issue is an important issue. So, I don't have a problem with that at all. But you should be able to resolve this. If it's not resolvable, once again you can ask the Court to intervene. I would prefer on these kinds of issues that the Court not be asked to intervene because frankly this is something that should be done by agreement in a civil fashion. I'm assuming that that's going to happen. You're certainly capable of it. You're both capable of it and I just want to see that happen.

So --

MS. SPITALNICK: For -- I was going to say, I can put on the record if we want to stay discovery, especially deposition and things that take a lot of time I don't, our position is not -- we don't mind waiting until his child goes back to school. That's perfectly fine.

THE COURT: That's fine, okay.

MR. PORTER: That works great. I wanted to

withdraw my motion for leave to examine John Barr because obviously it's not going to happen, you know, it's six months away, five months away.

THE COURT: Okay, it's withdrawn.

MR. PORTER: Yeah, okay.

THE COURT: That's fine. As I said, what I suggest that you may want to do -- now let me -- I'm not going to, I'm not your lawyer and this is not legal advice. Look through the discovery rules, there's a lot of techniques for discovery including interrogatories and other kinds of things you are permitted to do that in accordance with the rules.

Most people will, will in fact begin their discovery process with interrogatories and kind of try to define the case in that fashion. I'm just suggesting, and you may find in the interrogatories and such that you actually don't need to do depositions. Depositions can be expensive. So, if you want to avoid unnecessary costs ask questions. And there's admissions, there's other kinds of things you can do.

So, take a look at the available discovery techniques and see what works to make let's just say an efficient process for both parties, as inexpensive of process for both parties as is possible. So, you're not wasting your money, you're not wasting their money, okay?

MR. PORTER: Understood.

THE COURT: Okay.

MR. PORTER: And did you want me, you want me to email Ms. Spitalnick? Because she hasn't emailed a single -- I've never gotten an email from Ms. Spitalnick in regard to this.

THE COURT: Okay, I'm, I'm asking, I'm asking everybody to act in a professional business like fashion.

MR. PORTER: Understood.

THE COURT: So, if you email back, you will answer him in an appropriate fashion.

MS. SPITALNICK: Mm-hm.

THE COURT: Once again, and this is important, these, there's no need for there to be any invective, any insults, any threats in any of these conversations. These are scheduling, and these are -- to the extent that this can be done in an amicable and appropriate fashion it's going to save expense, it's going to save frustration. There may come a moment even where you want to sit down and hash out solutions to this. Right, this second doesn't look like it, but it may be over time that there will some opportunity to do that. So, that is my strong recommendation.

All right, I'm going to suggest that discovery be completed let's see, something like March 18th, is that

appropriate?

MR. PORTER: That's great.

MS. SPITALNICK: Mm-hm.

THE COURT: Does anybody have a problem with that?

MR. PORTER: Yeah.

MS. SPITALNICK: That works for plaintiff.

THE COURT: And then motions due -- how much time do you think you're going to need for motion and briefing?

MS. SPITALNICK: I would say for like summary judgment 15 to 30 days post close to discovery would probably be enough.

MR. PORTER: I have no idea what she just said.

THE COURT: Pardon?

MR. PORTER: I have no idea what she just said.

THE COURT: Discovery is going to be completed, so by the time discovery is completed you will know what the other side's case is. You should know, right?

MR. PORTER: Got you.

THE COURT: And they will know what your case is.

MR. PORTER: Mm-hm.

THE COURT: And at that point a summary judgment motions is where you say the facts, if you feel this is appropriate, the facts are not disputed. You should rule in our favor as a matter of law.

MR. PORTER: Mm.

THE COURT: Now, there's also going to be something else called motions in limine. These are motions that are filed by a party to prevent testimony about particular things that are thought to be inappropriate or confusing. They may also be filed at some point. That doesn't have to be filed, frankly until closer to the time to trial.

But the dispositive motions are going to be basically summary judgment motions. To get rid of the case without going to trial. So, I'm going to set, since it's March 18th and I think we want the motions done, let's make it March 1st and the dispositive motions by March 31st, and that gives us a little bit of time to make a decision prior to the time of the pretrial conference, okay?

Anybody have a problem with those dates?

MR. PORTER: So, all motions need to be in by March 1st?

THE COURT: March 31st.

MR. PORTER: What about this motions in limine thing?

THE COURT: Limine.

MR. PORTER: Because the discovery is going to be completed after the motions deadline and if I'm trying to

suppress something that hasn't been discovered yet --

THE COURT: No, no, no back up. I've changed the discovery is going to be completed by March 1st.

MR. PORTER: Okay.

THE COURT: The motions March 31st.

MR. PORTER: Okay.

THE COURT: That gives you an opportunity to think about the discovery, to summarize it, to draft something up and submit it. Okay?

MR. PORTER: Yes, Your Honor.

THE COURT: Okay. Are we going to have expert witnesses, do we think, in this case?

MS. SPITALNICK: I don't anticipate it, but I don't want to say 100 percent no yet.

THE COURT: All right. Are additional parties, do you intend additional parties to be joined?

MS. SPITALNICK: Not at this time.

MR. PORTER: Yes, Your Honor, I, I intend to third party, counter sue Justin Holder.

THE COURT: All right. So, this is June, let's, let's September 1st. You're going to put any additional party in by September 1st.

MR. PORTER: Okay.

THE COURT: So that they have an opportunity to participate in discovery. And let's, if there's going to

be expert witnesses identified let's make it January 1st. And a motions hearing I'm going to set a motions hearing tentatively for April 16th. Make it just prior to the settlement conference.

Okay, I don't think this is a case for computer generated evidence?

MS. SPITALNICK: I don't believe so.

THE COURT: I can't imagine why.

MS. SPITALNICK: Yeah, I don't think so.

THE COURT: And, and amendments as of right. Frankly, I can't remember what the rule requires as to that. But --

MS. SPITALNICK: I believe you can do one amendment and then you have to ask leave of court I believe.

THE COURT: Yeah, I believe that is correct. Yeah. I'm just going to leave that open for that, for this matter. Okay, do we have all of the schedule?

MS. HURD: Yes, Your Honor, what time for the motions hearing?

THE COURT: I would say 9:30.

MS. HURD: Okay.

THE COURT: I think better in the morning. All right, is there any other business of the Court? Counsel any other business of the Court?

MS. SPITALNICK: Are we going to still go into the other motions then?

THE COURT: Which other motions are there?

MS. SPITALNICK: The sanctions and contempt that were under seal.

THE COURT: I have, I have indicated I'm not ruling on those at this point.

MS. SPITALNICK: Okay, that's why I just wanted clarification on that.

THE COURT: Yes, that's quite all right. And assuming as I am sure is a reasonable assumption that there's no further problems, there won't be any sanctions. If problems occur, we'll have to revisit the issue. But right this second, I'm assuming everybody's going to act appropriately as the adults that you are.

MR. PORTER: And again, to just reaffirm, I'm going to deal with her in September?

MS. SPITALNICK: Mm-hm.

MR. PORTER: For discovery?

MS. SPITALNICK: Yes, I'm -- yeah, that's totally fine.

MR. PORTER: So, I don't have to deal with you for the summer?

MS. SPITALNICK: No, I won't, I won't contact you.

MR. PORTER: Awesome.

MS. SPITALNICK: I won't contact you and I won't serve anything on you either.

MR. PORTER: Thank God.

THE COURT: Okay take care of your child.

MR. PORTER: Thank you.

THE COURT: Thank you all, we're adjourned.

MS. SPITALNICK: Thank you.

THE BAILIFF: All rise.

(The proceedings were concluded.)

√ Digitally signed by Tressa Clifford

DIGITALLY SIGNED CERTIFICATE

I HEREBY CERTIFY that I reported verbatim by electronic device the proceedings in the matter of John Barr v. Shaun Porter; Case No. C-21-CV-25-161 in the Circuit Court for Washington County, on June 12, 2025 before the Honorable Stephen J. Sfekas.

I further certify that the proceedings were transcribed by me to the best of my ability in a complete and accurate manner, and page numbers 3 through 69 constitute the official transcript of the proceedings. In witness whereof, I have affixed my signature this 10th day of July 2025.

Tressa K. Clifford

_____

TRESSA CLIFFORD
Transcriber

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COST SHEET

Shaun Porter
John Barr v. Shaun Porter
Case No.: C-21-CR-25-164
Date: June 12, 2025

Court Reporter: Tressa Clifford

6/12/25 – 70 pages @ $3.75 per page = $262.50

Entered: Clerk, Circuit Court for
Washington County, MD
July 10, 2025

E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
7/18/2025 10:32 AM

IN THE APPELLATE COURT OF MARYLAND

SHAUN PORTER,	*	
Appellant	*	No. 0895, September Term 2025
v.	*	ACM-REG-0895-2025
	*	Circuit Court No. C-21-CV-25-000161
JOHN BARR,	*	
Appellee	*	
	*	

* * * * * * * * * * * * *

ORDER

It is this the 18th day of July, 2025, by the Appellate Court of Maryland,

ORDERED that pursuant to Maryland Rule 8-206(c), the above-captioned appeal shall proceed without a Prehearing Conference or Alternative Dispute Resolution.

By direction of the Chief Judge

Rachel Dombrowski

Rachel Dombrowski, Clerk

To the Appellant: The date of this Order commences the 10-day period in which you must order any transcripts necessary for this appeal and make agreement for payment to assure its preparation.

To the Clerk: The date of this Order commences the 60 days within which the record must be transmitted to the Appellate Court of Maryland.

Washington County Circuit Court Received on 7/18/2025

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland, 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: SHAUN PORTER
6583 EDGEWOOD ROAD
NEW MARKET, MD 21774

Case Number: **C-21-CV-25-000161**
Other Reference Number(s): **ACM-REG-0895-2025**

JOHN BARR VS. SHAUN PORTER

Date: 7/25/2025

NOTICE OF STRIKING NON-COMPLIANT SUBMISSION
(Md. Rule 20-203(c))

This is to notify you that your submission, Counterclaim dated 07/25/2025, has been stricken due to a lack of a certificate of service as required by Rule 20-201(g).

Note: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

Kevin R. Tucker
Clerk of the Circuit Court

E-SERVED Washington Circuit Court 7/25/2025 11:34 AM System SystemEnvelope:22209989
E-FILED; Washington Circuit Court
Docket: 7/25/2025 11:34 AM; Submission: 7/25/2025 11:34 AM
Envelope: 22209989

CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland, 21740

Civil/Family/Juvenile: 301-790-4952
Criminal: 301-790-7944
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711

To: SHAUN PORTER
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NEW MARKET, MD 21774

Case Number: **C-21-CV-25-000161**
Other Reference Number(s): **ACM-REG-0895-2025**

JOHN BARR VS. SHAUN PORTER

Date: 7/25/2025

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Kevin R. Tucker
Clerk of the Circuit Court

E-FILED; Washington Circuit Court
Docket: 7/25/2025 12:08 PM; Submission: 7/25/2025 12:08 PM
Envelope: 22211097

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY MARYLAND

Shaun Patrick Porter
Counter-Plaintiff, Defendant

Case no.: C-21-CV-25-000161

V.

John Barr
Plaintiff – Counter-Defendant, (Personal Capacity)

Derek Harvey
Defendant (Personal Capacity)

Jeffrey Cline
Defendant (Personal Capacity)

Randal Wagner
Defendant (Personal Capacity)

Randal Leatherman
Defendant (Personal Capacity)

Zachary Kieffer
Defendant (Personal Capacity)

Michelle Gordon
Defendant (Personal Capacity)

Jonathan Horowitz
Defendant (Personal Capacity)

Honorable Victoria Lobley
(Personal Capacity)

Dawn Marcus
(Personal Capacity)

Aaron Weiss
(Personal Capacity)

Melissa Williams
Defendant (Personal Capacity)

Linda Murray
Defendant (Personal Capacity)

Erin Anderson
Defendant (Personal Capacity)

Google LLC.
Defendant

Meta Platforms, Inc.
Defendant

Washington County Board of County Commissioners
Defendant

Washington County Public Schools
Defendant

Agency Doe
Defendant

Lazich Doe
Defendant

Grimm Doe
Defendant

Jeff Doe
Defendant

Brian Doe
Defendant

Jane Doe
Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW; Counter Plaintiff Shaun Patrick Porter (hereinafter "Porter") and Plaintiff Justin Kyle Holder (hereinafter "Holder") brings this complaint against Counter Defendant John Barr Plaintiff – Counter-Defendant, personal official and supervisory capacity (hereinafter "Barr"), Derek Harvey, Defendant, personal capacity (hereinafter "Harvey"), Jeffrey Cline, Defendant, Personal Capacity (hereinafter "Cline"), Randal Wagner, Defendant, personal capacity (hereinafter "Wagner"), Randal Leatherman, Defendant capacity, hereinafter ("Leatherman") Defendant Zachary Kieffer, personal capacity, Defendant Michelle Gordon, personal capacity, (hereinafter "Gordon") Defendant Jonathan Horowitz, personal capacity, (hereinafter "Horowitz"), Defendant, Honorable Victoria Lobley personal and official capacity, (hereinafter "Lobley"), Defendant, Dawn Marcus, personal and official capacity, (hereinafter Marcus"), Defendant ,Aaron Weiss, personal capacity, (hereinafter "Weiss"), Defendant Melissa Williams, personal capacity. (hereinafter "Williams") Defendant, Linda Murray personal capacity, (hereinafter "Murray"), Defendant, Erin Anderson, personal capacity (hereinafter "Anderson"), Defendant Google LLC (hereinafter "Google") Meta Platforms, Inc., Defendant Washington County Board of County Commissioners Defendant, Washington County Public Schools, Defendant, Agency Doe, Defendant, Lazich Doe, Defendant, Grimm Doe, Defendant, Jeff Doe, Defendant, Brian Doe, Defendant, Jane Doe, and in support thereof alleges the following upon information and belief:

I JURISDICTION AND VENUE

All facts in this case involve persons, agencies and companies residing in or conducting business within the Jurisdiction of this Court (Washington County Maryland). The acts that gave rise to the damages outlined by Counter- Plaintiff, and Plaintiff are subject to Maryland Law and Federal Statutes that can be heard in this court therefore the venue is correct. The following are violations of Maryland Law and Federal statutes. This Court has jurisdiction over the Defendant pursuant to MD. CODE ANN. CTS & JUD. PROC. §1-501, §3-403, §6-102 and §6-103. Subject matter jurisdiction in and over this case is founded, in part, upon the Maryland Uniform Declaratory Judgement Act, Title III, Subtitle IV, CTs. & JUD. PROC. ART., *Annot. Code of MD* (the "ACT").

II PARTIES

All parties reside in or conduct business in Washington County Maryland and are subject to the jurisdiction of this Court. Counter Plaintiff Shaun Patrick Porter (Private Citizen) has business in Washington County Maryland. Counter Defendant (Plaintiff) John Barr resides in Washington County Maryland and is the President of the Board of County Commissioners, sued for operating outside the scope of his job description in his personal capacity. Derek Harvey, Jeffry Cline, Randal Wagner, and Randal Leatherman, all reside in Washington County Maryland and are elected County Commissioners (Public Figures) sued for operating outside of their job description in their personal capacity. Zachary Kieffer is a County Attorney who resides in Washington County Maryland. Michelle Gordon is the Washington County Administrator residing in Washington County Maryland. Jonathan Horowitz resides in Washington County Maryland; he is the Director of Economic Development in Washington County Maryland. Those parties are sued for operating outside of their job description in their personal capacity. The Honorable Victoria Lobley is a District Court Judge in Washington County Maryland, who regularly issues equitable relief by way of injunctions, while lacking jurisdiction. The District Court is not a court of equity. Her Honor is sued as she operated outside of the scope and authority of her duties as a District Court Judge. HONORABLE JUDGE VICTORIA LOBLEY KNOWS SHE HAS ABSOLUTELY NO JURISDICTION TO ORDER THESE INJUNCTIONS YET DOES SO ANYHOW. The Honorable Judge Victoria Lobley is sued in her personal capacity. Dawn Marcus is a resident of Washington County Maryland and is the Clerk of the Washington County Board of County Commissioners. Aaron Weiss is a resident of Washington County, works as an Assistant County Attorney. Melissa Williams is a Washington County Maryland Resident, former President of the Washington County Public Schools. Linda Murray is a Washington County Public School Board member, a Washington County Maryland resident. Erin Anderson resides in Washington County Maryland and is the sole decision maker of Facebook censorship for Washington County Public Schools. All of the foregoing parties are

sued in their personal capacity for operating outside the scope of their job description. Google LLC is a social media company operating the "YouTube" platform while censoring citizens on behalf of government in Washington County Maryland. In violation of their section 230 protection. Meta Platforms Inc. is a social media platform operating and censoring citizens on behalf of the government in Washington County Maryland operating outside the protection of their section 230 protection. Washington County Board of County Commissioners is a local government entity with a policy, pattern, custom and practice of civil rights violations. Monell Doctrine applies to this Defendant. Washington County Public Schools is a local government entity with a policy, pattern and practice of civil rights violations. Monell Doctrine applies to this Defendant. Agency Doe is a not yet discovered local or state agency that may or may not be added. Lazich Doe is a not yet discovered local government employee that may or may not be added. Grimm Doe is a not yet discovered local government employee/agent that may or may not be added. Jeff Doe is a not yet discovered local government employee that may or may not be added. Brian Doe is a not yet discovered local government employee/agent that may or may not be added. Jane Doe is a not yet discovered local government employee/ agent that may or may not be added. Brian Doe is a not yet discovered local government employee/agent that may or may not be added.

III PREAMBLE

"If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Justice William Brennan, *Texas v. Johnson*, 491 U.S. 397, 414 (1989)

IV INTRODUCTION

This case is about a man being persecuted for speaking up on behalf of his family against thoroughly corrupt county government politicians. John Barr and his political allies have conspired to stop Shaun Porter's speech at all costs. The Attorney General had to get involved in restoring Shaun Porter's rights that had been deprived by this group of conspirators for a period of months. Shaun Porter has been threatened with arrest, denied his right to redress his government and attend public meetings. It's gotten so bad that the leader of the corrupt local

government, a twice investigated alleged child molester / committer of incest, has filed a $10 million Strategic Lawsuit Against Public Participation, against this outspoken court certified PRIVATE CITIZEN to stop his participation in public meetings. Shaun Porter refuses to stop speaking out against his corrupt government and would rather be tortured to death while being forced to listen to Taylor Swift music, than to give up his rights. This is the story of what happens when you speak out against John Barr and those who feed off his grift.

V FACTS

1. Shaun Patrick Porter Jr. in August of 2023 was enrolled in Washington County Public Schools age four, and immediately denied a sign language interpreter or any resources of any kind related to his disability of being deaf. This was done by Washington County Public Schools.
2. Shaun Patrick Porter Jr. was immediately submitted to Maryland School for the Deaf for enrollment.
3. Shaun Patrick Porter Jr. was placed in the Engage program for disruptive children up to grade five at his school Bester Elementary in the City of Hagerstown, run by Washington County Public Schools.
4. Shaun Patrick Porter Jr. was placed in a corner with crayons while being attacked by older children while he was only four years old.
5. School officials were dismissive of his bruises and his terror leaving in the morning to go to school.
6. On December 23rd2023 Maryland School for the Deaf accepted this young boy to start his proper education starting in January of 2024.
7. Washington County Public Schools continuously delayed processing his paperwork for four straight months while Shaun Patrick Porter Jr. was abused daily.'

8. Shaun Patrick Porter Jr.'s father was denied the ability to go completely fucking ape shit on elite stuck up douche bag board of education officials and incompetent employees by the child's mother until April of 2024.
9. Shaun Porter was turned loose on or about April 10th 2024.
10. Shaun Porter began his redress and the beginning of his involvement with the parties in this case.
11. Shaun Porter notified the Sheriff of his intent to protest outside of Washington County Public Schools headquarters.
12. Shaun Porter then threatened legal action to the assistant for the superintendent of school board.
13. Shaun Porter then went ballistic on a brief phone call with assistant county attorney Aaron Weiss threatening protests and legal action against the county.
14. Shaun Porter then drove to the Board of Education headquarters and demanded a meeting with someone of authority over the transfer of his child.
15. Shaun Porter then berated the director of special needs for approximately five minutes.
16. The mother of Shaun Patrick Porter Jr. was in a meeting with the incompetent administrators at his son's school when they were yanked out for an emergency call from the Board of Education.
17. When the administrators returned to the meeting, they appeared to have seen a ghost and immediately changed their position and granted an immediate transfer of Shaun Patrick Porter Jr. to Maryland School for the deaf.
18. The child loved his new school at Maryland School for The Deaf, a State Institution in Frederick Maryland.
19. Approximately sixty days later, in May of 2023 the same ignorant, disgusting funding-oriented school official contacted Shaun Patrick Porter Jr.'s mother and attempted to have the child returned to the same exact school where the abuse took place.

20. On June 1, 2024 Shaun Patrick Porter Jr. and Father Shaun Porter attended a Smithsburg Days festival at Veteran's Park in the town of Smithsburg.
21. The exact same Board of Education officials who didn't return phone calls or intervene to help our family were greeting citizens at a re-elect the Board tent.
22. Shaun Porter broke off from his family while they looked on as Shaun Porter discussed the treatment of his deaf son as well as a news story of the denial of a young woman's ability to graduate from Boonsboro High School the day before because the school didn't like the way she wore her First Amendment protected make up. (Artistic Expression)
23. Shaun Porter discussed these issues in an embarrassing manner with, at the time Board President, Melissa Williams.
24. Melissa Williams and her husband Dave Williams, also present, are dear friends and close political allies of John Barr.
25. After citizens gathered to watch the poor debate skills of Melissa Williams, Board Vice President (at the time) demanded I leave the public park as a friend of Melissa Williams called 911 to save her from the most embarrassing debate in the history of embarrassing debates.
26. Shaun Porter stayed and continued to convince onlookers that Melissa Williams needed to be voted out.
27. A Washington County Sheriff Deputy came and told Shaun Porter his political discussion in a quintessential public forum, was disorderly, while being videotaped and watched by a crowd of onlookers.
28. After explaining that disorderly was an action and not related to political speech directly to an elected official in a quintessential public forum, the officer made excuses for why he was leaving as fast as humanly possible.

29. Melissa Williams has been widely referred to as "The Marie Antoinette of Washington County"
30. Shaun Porter stayed another twenty minutes and ended up having a much better conversation with Melissa Williams.
31. June 4th Shaun Porter attended a public meeting to speak on behalf of Justin Holder and Shaun Patrick Porter Jr..
32. This was Shaun Porter's first public meeting at the Washington County Board of County Commissioners.
33. Shaun Porter demanded accountability in a long-winded speech against the board and the corrupt county government.
34. Shaun Porter discussed Justin Holder and Adam Grievell's massive three hundred plus page civil RICO statute lawsuit against elements of the county government who had destroyed his family and had Justin prosecuted for trespassing on his own land.
35. Shaun Porter attended another Washington County Board of County Commissioners meeting on June 11th and 18th 2024, with similar language on behalf of Justin Holder and Shaun Patrick Porter Jr.
36. Shaun Porter informed the county that the School Board hired a man (Dr. David Sovine) who was sued by forty-eight parents of disabled students in Federal Court to run the school system.
37. Shaun Porter informed the County this man brought his friend from Virginia and was using a fake name "Steve Edwards", and when his real name "Steve Cornwall" was run it, showed a hit on the sex offender registry for a man with matching information.
38. Shaun Porter accompanied by Attorney Tom Stolz on June 18th, then filed a complaint for investigation with the Washington County Sheriff's office, regarding this man signing documents with a "stage name" as he put it, and having a possible criminal background regarding sex offenses.

39. Shaun Porter then attended a Washington County School Board meeting giving a passionate speech advocating for his child and exposing the track record the super intendent Dr. David Sovine had regarding disabled students' civil rights being violated.
40. Melissa Williams interrupted this passionate redress to demand that Shaun Porter not use words she felt were profane.
41. This room was filled with upset parents and no children.
42. Shaun Porter immediately resumed calling these corrupt officials out with whatever language Shaun Porter dam well wanted to.
43. Shaun Porter was stopped by Melissa Williams and Linda Murray as soon as Shaun Porter brought up past Federal Civil Rights Violations (deleting critical comments from Facebook, blocking parents from Facebook, Denying Disabled kids the ability to attend school if they couldn't wear a face mask for medical reasons a year after the Governor had ended the requirements, firing an art teacher for artwork made outside school hours)
44. Melissa Williams, aided by Linda Murray, claimed they had the right to stop Shaun Porter and vote to cut the camera feed and move into closed session to ask Lawyer Illissa Rahm legal questions about silencing my revealing free speech.
45. No other board members dared to second Linda Murray's request to move into closed session.
46. Melissa Williams just sat in silences as did all in attendance.
47. Shaun Porter had no idea whether he was free to talk or what was going on.
48. Melissa Williams and Linda Murray's official responsibilities do not include silencing criticism.
49. The delay in Shaun Porter's passionate speech had caused Shaun Porter to lose his emotional inertia to passionately advocate for his child and had to end his speech two minutes before his time was up.

50. Shaun Porter was never interrupted at school board meetings by Melissa Williams or Linda Murray following that egregious act.
51. Shaun Porter received information about a pay for play scam involving Commissioner Jeff Cline and Vice Mayor Keedysville Maryland, Barry Levy.
52. On or about July 18th 2024 Jeff Cline informed Shaun Porter by telephone interview that he had killed James Shipley in an accident involving alcohol.
53. Jeff Cline stated "that was 40…..no 50 years ago. Nobody cares about that".
54. Jeff Cline admitted by and through his statements that the extortion of $5,000 for help getting sewer to Justin Holder's property had happened.
55. Jeff Cline denied the county mobilized to retaliate against Justin Holder after Holder told Jeff Cline's messenger, Keedysville Vice Mayor Barry Levy, that he believed Cline was "rainmaking "him.
56. Justin Holder informed Vice Mayor Barry Levy that he didn't want to do any such thing.
57. Justin Holder demanded the Town of Keedysville install the sewer as required.
58. Shaun Porter published this information through YouTube video.
59. Shaun Porter continued to speak at commissioner meetings and school board meetings without issue until October 8th 2024.
60. On October 8th 2024 Shaun Porter passionately argued against rules of decorum banning curse words, imposing a dress code banning clothing commissioner John Barr didn't like at commissioner meetings, and passionate speeches during public comment times.
61. Shaun Porter was silenced when stating John Barr and the commissioner's "wipe their ass with the constitution and our bill of rights".
62. John Barr told Porter his time was up when there was no rule on time, and people could speak as long as they needed up until that point..
63. Shaun Porter was the first person ever stopped from speaking by John Barr.

64. John Barr ordered Shaun Porter to leave a public meeting because of his passionate advocacy for the First Amendment.
65. Shaun Porter feared false arrest after being humiliated on a broadcasted livestream on Facebook and YouTube and in front of a dozen people in the gallery.
66. Shaun Porter was branded as having engaged in criminality by ordering him off the premises under threat of arrest by John Barr.
67. John Barr possessed no rules of decorum, and no authority to remove a citizen based on his critical speech against government.
68. During discussion about the dress code Randy Wagner admitted that 'he's right 85% of the time, but how long do we need to let us tell us how bad we are, when is enough enough?"
69. Derek Harvey complained his kids couldn't come to watch meetings because of the free speech of Shaun Porter.
70. Aaron Weiss, the assistant attorney, opined dress codes were illegal as was a ban on curse words.
71. Aaron Weiss opined maybe you could have a cop remove a citizen for not speaking calmly or politely to government during citizen comment.
72. Shaun Porter didn't return for multiple Commissioner meetings out of fear of false arrest.
73. Shaun Porter learned that since his redress campaign against the county had begun Erin Anderson had been auto hiding negative viewpoint posts to the public forum Facebook page for Washington County Public schools with a keyword auto hide tool.
74. Erin Anderson admitted that she was in the Public Information Office of Washington County Public Schools and was the sole person responsible for the censorship of publicly posted comments with keywords she selected.

75. Shaun Porter continued his push to vote out School Board members and was 100% successful based on nearly 500 million social media views of all the passionate speaking he engaged in at School Board and Commissioner meetings.
76. As a result of the social media campaign against the county, county officials complained about videos so much that Shaun Porter's YouTube channel (Google LLC) was taken down for criticism of county officials that was no where near as bad as criticism of Donald Trump or other Republican officials.
77. Google LLC denied requests for review.
78. Section 230 protection of social media platforms does not allow platforms to pick and choose which political viewpoints to allow on their platform.
79. To add insult to injury Google LLC continued billing Shaun Porter for service he was blocked from receiving and didn't allow him to cancel.
80. Google LLC has billed Shaun Porter and refused to return funds for services not received.
81. Tamar Fleishman Esq. sent a demand letter for refund and / or reestablishment of Shaun Porter's 160,000 subscriber YouTube channel and was ignored by Google LLC which is why they are sued in this complaint.
82. The incumbents School Board members were all ousted on their kiester along with the woke teachers' union during this election.
83. In December 2024 Shaun Porter resumed commissioner meetings and discovered Commissioner Derek Harvey had undergone a smear campaign of his good name by telling everyone Shaun Porter had his son out of wedlock and his mother didn't put Shaun Porter's name on the birth certificate.
84. This information came from Derek Harvey's mother-in-law who IS A SCHOOL BOARD MEMBER SHAUN PORTER SUPPORTED NAMED APRIL ZENTMYER.
85. Shaun Porter along with Justin Holder sought to expose the staunch allies of the former school board members, John Barr and Jeff Cline, as well as those who silenced free speech prior to the election.

86. Shaun Porter informed voters that Jeff Cline killed James Shipley in a drunk driving accident when he was 18, swearing he would never drink again.
87. Jeff Cline has a well-established reputation in the community for drinking until he blacks out at the Potomac Fish and Game Club and at the Redman's club in Williamsport Mayrand, Jeff's hometown.
88. Jeff Cline has been videotaped black out drunk and unconscious by individuals in the community who intend to use it before his primary election.
89. On December 17th Shaun Porter and James Hawkins transported a four foot by seven-foot sign in James Hawkins vehicle to the Board of County Commissioners meeting.
90. James Hawkins posed for pictures with the parody sign.
91. James Hawkins is not a party to this case.
92. This sign was a parody of the world-famous Campari Liquor ad from Hustler Magazine Inc. V. Falwell 485 U.S. 46 (1988) case law.
93. The sign depicted a fictional conversation between John Barr and a reporter.
94. Reporter depicted in language of sign is not a party to this case.
95. This sign was paid for and owned by Justin Holder who for some reason is not a party in this case.
96. Shaun Porter was dressed like a Christmas Elf.
97. Shaun Porter was not dressed as a news reporter.
98. Shaun Porter does not control the camera equipment or broadcasting of this meeting.
99. This sign was present for fifteen minutes before the meeting began.
100. John Barr did not say a word about the sign to either of the individuals holding the sign between them.
101. John Barr had no reaction to the sign and broadcasted video of this sign, livestreamed.
102. John Barr is Board of County Commissioners President.

103. John Barr runs the meeting in question.

104. John Barr has the authority to change camera views for broadcast.

105. John Barr has since changed camera views for broadcast cutting out citizens in the audience.

106. John Barr did not at any time send a demand letter, email, text, speak to, or order a cease and desist be served upon Shaun Porter for four months leading up to filing his Strategic lawsuit Against Public Participation for $10 MILLION.

107. On January fourteenth 2025, Shaun Porter attended a commissioner meeting with a four foot by seven-foot billboard that was a parody of the "THE THREE STOOGES" featuring Jeff Cline, John Barr, and Sheriff Brian Albert instructing citizens to "Vote Out The Trash In 2026".

108. This sign was held by Shaun Porter and Josh Freeman.

109. John Barr had no reaction to the sign and broadcasted video of this sign livestreamed.

110. Shaun Porter attended a public meeting on February 25th 2025.

111. John Barr and the board changed the camera used to broadcast the meetings to exclude the audience and their signs.

112. John Barr called for a never-before-seen recess which destroyed fifteen minutes of "citizen participation time".

113. During this recess the entire government just sat there talking.

114. When recess ended , John Barr called citizens to speak out of order.

115. John Barr called Commissioner Derek Harvey's wife, Beth Harvey to speak first.

116. Beth Harvey is the Chairman of the Republican Central Committee.

117. Beth Harvey brought another woman to speak with her.

118. They both said nice things about government.

119. They used up time in citizen comment period.

120. A student was called to speak.

121. This student also only said nice, pleasant things to the county government.

122. When it came time to call on non-government connected citizens, Michelle Gordon told John Barr they ran out of time.

123. John Barr then ended citizen participation with a packed gallery of angry black citizens during black history month.

124. The President of the NAACP along with Shaun Porter, yelled at John Barr for silencing the people.

125. The NAACP was furious that their ten or more speakers couldn't yell at the Commissioners for ending DEI programs during black history month.

126. This meeting became a huge local political scandal for John Barr and has solidified his reputation in the community as a racist.

127. John Barr and the County Commissioner's changed the time for public comment from 9:30 am to 8am causing backlash in the community starting on March 18th 2025.

128. John Barr and the County Commissioner's cut broadcast of public comment starting on March 18th 2025.

129. Citizens on both sides of the political isle voiced opposition to the perceived censorship on various social media platforms.

130. On March 18th Shaun Porter launched a protest against John Barr's censorship by recording citizen comments on his own camera for re-broadcast.

131. Shaun Porter gave public comment and ended it by mooning John Barr and the Board.

132. Shaun Porter was wearing a stylish hot pink thong men's bathing suit with F U written on his buttocks. (picture available upon request).

133. Shaun Porter then attended the broadcasted portion of the public meeting.

134. Shaun Porter spoke during comment against mandating service of backflow preventers.

135. Shaun Porter ended comment with a full moon protest of John Barr broadcasted live.

136. Shaun Porter then spoke at public comment regarding a tax increase.

137. Shaun Porter ended his objection speech with a full moon.

138. Shaun Porter then attended the evening Commissioner meeting in the town of Funkstown.

139. Shaun Porter mooned John Barr after a three-minute profanity laced tirade against John Barr's censorship.

140. March 19th Washington County Board of County Commissioners cut a check for $5,000 to Attorney Jonathan Gross.

141. Subsequent to payment, Jonathan Gross advised County Attorney Zach Kieffer to send threatening letter about Shaun Porter's 100% protected free speech.

142. Washington County Attorney Zach Kieffer sent the threatening letter saying they wouldn't tolerate my mooning and language against government censorship.

143. On March 20th 2025 Jonathan Gross advised Washington County to get a peace order against Shaun Porter's lawful behavior in the name of Washington County Board of County Commissioners.

144. Assistant County Attorney Aaron Weiss attempted to file a peace order drafted by County Attorney Zach Kieffer with consultation from outside counsel Jonathan Gross.

145. Aaron Weiss was laughed out of the courthouse due to the county having no standing to be in fear of imminent bodily harm as it has no body.

146. County Attorney Zach Kieffer crossed out the government name and photocopied the peace order two times.

147. Zach Kieffer then installed the names of Dawn Marcus – clerk of the Board, Jonathan Horowitz, Director of Economic Development, and Michelle Gordon, County Administrator.

148. These documents still clearly showed the Washington County Board of County Commissioners name on it.

149. Aaron Weiss escorted these three individuals to the Distrct Court of Maryland for Washington County and obtained three temporary peace orders under false pretenses and based on perjured statements.

150. All three peace orders were identical and not filled out by petitioners.

151. Judge Victoria Lobley added an addendum enjoining Shaun Porter from publishing on Shaun Porter News Tik Tok and Facebook, any stories, videos or comments about these three government officials, two of which are present in all videos of The Board of County Commissioners.

152. This Injunction kept Shaun Porter from posting about local government on Facebook and Tik Tok social media platforms for eight days until the Final Peace order hearing on February 28th 2025.

153. Shaun Porter was banned from attending his open public meeting on February 25th 2025 by way of peace order banning him from going near the workplace of these petitioners who were all government employees working at the main county government building.

154. This denied access to government for respondent Shaun Porter.

155. On February 28th 2025 Shaun Porter whopped the County's ass in what was described by onlookers as a "bloodbath" (packed gallery including press).

156. The County employees all clearly committed perjury.

157. The audio transcripts were played all over social media exposing the deceit of the county.

158. None of the government employees articulated a direct threat of any kind.

159. All complaints from all petitioners involved constitutionally protected activities.

160. Dawn Marcus stated mooning was First Amendment protected Activity and that's not why they got the peace orders.

161. The Honorable Judge Finan ruled there was not enough evidence and explained to petitioners they were not private citizens, and the bar is much higher for public officials.

162. This proceeding was attended and reported on by Herald Mail reporter Julie Greene.

163. This story was Front Page of the local paper of record, The Herald Mail shortly after the hearing.

164. Shaun Porter was hammered by people asking about the legality of his actions as if there was a criminal act committed because of publicity.

165. On March 31st, the very next business day after the county's humiliating defeat, John Barr Filed a $10 Million defamation lawsuit regarding Justin Holders sign by and through county funded attorney Jonathan Gross and Sarah Spitalnick.

166. Shaun Porter discovered this lawsuit on April first.

167. After the filing of this lawsuit written by County Paid attorney Jonathan Gross, the County without vote, implemented a new rules of decorum that banned profanity and obscenity.

168. These rules gave the presiding officer sole discretion over citizen's free speech during public comment.

169. The rules were clearly overly broad, unconstitutionally vague, arbitrary and capricious.

170. The rules for public speaking directed citizens to abide by more than six hundred and forty pages of "Community Guidelines" for Youtube, "Community Standards" for Facebook, and all FCC rules.

171. On or about April 6th 2025 Shaun Porter notified Washington County Government of his intent to moon and say the work "Fuck" at the very next public meeting on or about April 8th 2025.

172. The County did not respond or object, implying this would be allowed under the new rules.

173. Shaun Porter Attended the April 8th meeting and discussed the Cohen v. California 403 U.S. 15 (1971).

174. Shaun Porter said 'Fuck" three times as previously promised by email.

175. At the end of Shaun Porter three minutes with time left over he notified all in attendance that he would moon Commissioner John Barr for the peace order fiasco.

176. Shaun Porter with time remaining briefly mooned John Barr and the board on live feed television while wearing the signature hot pink bikini bottom previously discussed in this complaint.

177. John Barr said Shaun Porter disrupted the meeting though the floor was mine.

178. John Barr ordered Shaun Porter out then declared recess.

179. Shaun Porter left the room and was trespassed for disrupting the public meeting by County Attorney Zach Kieffer.

180. Lt, Grimm witnessed the notice.

181. Shaun Porter was also banned from the 9 am meeting as well as the rest of the 8am public comment meeting that the alleged disruption took place.

182. Shaun Porter received a six-month trespass by email from county attorney Zach Kieffer.

183. The trespass was for county Commissioner meetings with no location given.

184. Shaun Porter and Justin Holder filed for an injunction against the trespass and the rules of decorum for both being unconstitutional in their opinions.

185. The county was served on April 10th 2025.

186. Immediately, attorney Jonathan Gross sent a cease and desist by certified mail.

187. This cease and desist said no further action would be taken if Shaun Porter stopped his "defamatory behavior".

188. Shaun Porter was served on April 11th the $10 million lawsuit that was hanging over his head.

189. Shaun Porter received the cease and desist letter on Monday April 14th.

190. Shaun Porter re installed Justin Holder's sign and wrote satire all over it while he drew a large black penis in John Barr's mouth.

191. Shaun Porter filed an open meeting act complaint seeking resolution to the trespass issue.

192. Shaun Porter didn't attend his public meeting on April 15rd 2025 bout of fear of imprisonment.

193. Shaun Porter and Justin Holder decided not to proceed with a Temporary Restraining Order when the Honorable Judge Sfekas asked the county how much money should be put up for a bond to secure the temporary restraining order against the subsequently ruled illegal Trespass order.

194. Shaun Porter and Justin Holder lacked ability to post a bond to proceed with a Temporary Restraining Order.

195. Shaun Porter and Justin Holder were essentially denied access to relief due to a lack of funds.

196. Shaun Porter subsequently dismissed without prejudice the above referenced case opting to go Federal with his claims and allow the Attorney General to dispose of the Trespass Order, which subsequently occurred in a humiliating ruling AGAINST the Washington County Board of County Commissioners on or about July 17th 2024.

197. Shaun Porter then attended April 29th 2025 meeting and was ejected under threat of arrest

198. Shaun Porter was called out by John Barr as a trespasser and humiliated on live broadcast in front of a room full of citizens.

199. Shaun Porter then attended the May 6th 2025 meeting where he was ejected under threat of arrest.

200. Shaun Porter was called out by John Barr as a trespasser and humiliated on live broadcast in front of a room full of citizens.

201. Shaun Porter then attended the May 13th 2025 meeting and was ejected under threat of arrest.

202. Shaun Porter was called out by Jeff Cliner as a trespasser and humiliated on live broadcast in front of a room full of citizens.

203. Shaun Porter attempted to attend the May 13th 2025 Department of Budget and Finance 6 pm evening meeting and was ejected under threat of arrest on livestreamed meeting in front of a room full of citizens.

204. Shaun Porter was called out by John Barr as a trespasser and humiliated on live broadcast in front of a room full of citizens

205. Shaun Porter then attended the May 20th 2025 meeting and wasn't allowed to attend under threat of arrest.

206. On or about Friday May 30th a video was posted of a confrontation between John Barr and Shaun Porter wherein John Barr threatened Shaun Porter and Justin Holder not to go anywhere he is.

207. John Barr was confronted about the newly discovered court records and statements from his former daughter in law regarding John Barr molesting a minor relative of his.

208. John Barr freaked out and abruptly left at that point in the video.

209. Within hours 40,000 people watched the confrontation.

210. By 6:00pm Shaun Porter's Facebook page was improperly deleted without so much as a warning or strike for "bullying and harassment".

211. Shortly after this incident a man using screen name including DBARR was making threats on social media platform Tik Tok where the video was not removed.

212. Shaun Porter then received direct messages on this platform conveying threats.

213. Shaun Porter provided his cell phone number to the unknown man.

214. The man called from a blocked number for 59 minutes claiming to be David Barr's best friend while letting it slip he was in fact John Barr's son David.

215. This occurred on approximately June 1,2025.

216. During the call the man claimed to have aided in the reporting and deletion of Shaun Porter's Facebook page along with Department of Social Services.

217. This man ended up just rambling about how John Barr never really did all he could do to help his son David Barr and expressed that David Barr resented his father.

218. Shaun Porter screenshotted the call for court.

219. Shaun Porter screenshotted some of the threats.

220. Shaun Porter then emailed John Barr about the threats.

221. Within minutes of the email the DBARR account was deleted.

222. Shaun Porter can easily identify this voice in the future.

223. Shaun Porter then attended the June 3rd meeting and wasn't allowed to attend.

224. During this June 3rd meeting Curtis Reigh was trespassed for asking John Barr to resign and for the county to investigate the allegations while holding up circuit court unsealed documents.

225. Curtis Reigh was arrested for Trespassing.

226. Shaun Porter then attended the evening Planning and zoning meeting where he was ejected under threat of arrest and labeled a trespasser on live feed and in front of a large room of citizens.

227. Shaun Porter was called out by John Barr as a trespasser and humiliated on live broadcast in front of a room full of citizens.

228. The Washington County Board of County Commissioners banned public comments starting June 10,2025.

229. Shaun Porter then attended the June 10th meeting and was ejected under threat of arrest.

230. Shaun Porter was called out by John Barr as a trespasser and humiliated on live broadcast in front of a room full of citizens.

231. Shaun Porter then attended the June 24th meeting and was ejected under threat of arrest.

232. Shaun Porter then attended the July 15th meeting and was ejected under threat of arrest, and the meeting was subsequently canceled.

233. Shaun Porter was called out by Commissioner John Barr and Commissioner Jeff Cline as a trespasser and humiliated on live broadcast in front of a room full of citizens.

234. The Attorney General's Open Meeting Compliance Board rendered an opinion on or about July 17th 2025 that the Washington County Board of County Commissioners Violated Shaun Porter's civil rights by illegally denying him access to public meetings.

235. NOBODY EXCEPT FELLOW CITIZENS EVER STOOD UP FOR SHAUN PORTER'S RIGHT TO ATTEND AT ANY MEETING BESIDES ATTORNEY GENERAL ANTHONY BROWN.

VI PRAYER FOR RELIEF

COUNT I DEFAMATION PER SE

Shaun Porter has been called, portrayed, and treated like a criminal trespasser. Commissioner Jeff Cline yelled "we have a trespasser in the audience" on live broadcast in a room full of citizens. These acts can all be shown to Jury in high-definition videos. Shaun Porter was portrayed as a trespasser. Trespassing is clearly a well-known crime under Maryland Law and the trespass has been ruled illegal by The Attorney General's Open Meeting Act Compliance Board. All parties knew or should have known they had no basis, grounds or authority to ban a non-disruptive citizen from exercising their First Amendment rights and attending an open public meeting which state law clearly dictates the public is entitled to attend. John Barr has set the standard in this court that each false criminal accusation is worth $10,000,000 in compensatory damages per accusation. I am leaving out the October 8th ejection. I am leaving out the illegal ejection for mooning on April 8th 2025. I am only seeking damages for when I was thrown out without any possible excuse for claiming there was a disruption. April 15th meetings through July 15th. This was nine total meetings where John Barr or Jeff Cline called out Shaun Porter as a criminal trespasser. The participants operated with the tasset understanding and agreement between parties that they would pretend this illegal trespass was valid and all parties participated or allowed these damages to be suffered by Counter-Plaintiff/Plaintiff Porter and allowed it to happen to benefit their interests. This also harms my deaf son of the same name. Shaun Porter is only seeking damages for meetings after illegal trespass and none prior.

Compensatory Damages $90,000,000

Punitive Damages as the trier of fact determines

Plus Court costs, legal fees, and any other relief the counter plaintiff Shaun Porter may require.

Seeking Judgement in favor of Counter-Plaintiff/Plaintiff Shaun Porter for above damages against, Washington County Board of County Commissioners, John Barr, Jeff Cline, Randal Wagner, Randal Leatherman, Zach Kieffer, Michelle Gordon, Aaron Weiss, Derek Harvey, Jointly and Severely. WHEREFORE THE COURT SHOULD GRANT ABOVE REFERENCED DAMAGES IN FAVOR OF SHAUN PORTER.

COUNT 11 ABUSE OF PROCESS- MISUSE OF LEGAL PROCEDURES FOR ULTERIOR PURPOSE

Defendants and Counter-Defendant sought to expose private citizen Shaun Porter to public scorn, ridicule and embarrassment by orchestrating a peace order fiasco that made front page news of the local paper of record. These defendants in some cases commit perjury in furtherance of their goal to discredit information disseminated at public meetings. All participants knew or should have known what they were doing was not legal. These peace orders were filed to stop Shaun Porter from attending public meetings for the six-month duration of the peace order. This was to stop embarrassing speech and artistic expression which humiliated the defendants. (mooning) they had undergone one year of far worse conduct by Shaun Porter. These parties knew there was no direct threat or danger after almost a year of meetings with Shaun Porter. These parties knew this would make front page news. Based on all facts previously stated in this complaint.

Compensatory Damages $1,000,000

Punitive Damages as the trier of fact determines

Plus Court costs, legal fees, and any other relief the Counter Plaintiff /Plaintiff Shaun Porter may require.

Seeking Judgement in favor of Counter-Plaintiff/Plaintiff Shaun Porter for above damages against, Washington County Board of County Commissioners, Dawn Marcus, Jonathan Horowitz, John Barr, Jeff Cline, Randal Wagner, Zach Kieffer, Michelle Gordon, Aaron Weiss, Derek Harvey, Jointly and Severely. WHEREFORE THE COURT SHOULD GRANT JUDGEMENT IN ABOVE REFERENCED DAMAGES IN FAVOR OF SHAUN PORTER.

COUNT III FALSE LIGHT INVASION OF PRIVACY

Defendants and counter Defendants have intentionally take a man ruled a private citizen by the Honorable Judge Sfekas on June 12,2025 and put Shaun Porter on the front page of The Herald Mail with their tortious actions. Between the peace order fiasco, the constant broadcasting of Shaun Porter being kicked out of public meetings, and the verbal articulation that Shaun Porter is a "trespasser in the audience", they have sought to make a public spectacle of a simple man attempting to criticize government. Shaun Porter has never been convicted of trespassing or disorderly conduct. Through these parties' actions, the average person in Washington County believes Shaun Porter is a violent criminal where they shouldn't know Shaun Porter for anything other than advocating for my disabled son and exposing government corruption. This was an intentional tort. Shaun Porter's private life has been made into a public fiasco. Based on all facts previously stated in this complaint.

Compensatory Damages $1,000,000

Punitive Damages as the trier of fact determines

Plus Court costs, legal fees, and any other relief the Counter Plaintiff /Plaintiff Shaun Porter may require.

Seeking Judgement in favor of Counter-Plaintiff/Plaintiff Shaun Porter for above damages against, Washington County Board of County Commissioners, Dawn Marcus, Jonathan Horowitz, John

Barr, Jeff Cline, Randal Wagner, Zach Kieffer, Michelle Gordon, Randal Leatherman, Aaron Weiss, Derek Harvey, Jointly and Severely. WHEREFORE THE COURT SHOULD GRANT JUDGEMENT IN ABOVE REFERENCED DAMAGES IN FAVOR OF SHAUN PORTER

COUNT IV CIVIL ACTION FOR DEPRIVATION OF RIGHTS 42 U.S.C. § 1983 – VIEWWPOINT DISCRIMINATION

42 U.S.C. § 1983 provides relief for citizens who have been deprived of their clearly established civil rights under color of law by government actors and local municipal governments under Monell Doctrine. These claims can be filed in state court. Shaun Porter was denied his first amendment right to redress grievances and peaceable assembly. Shaun Porter would not have suffered being turned away from eleven meetings if he had not spoken out against government. Shaun Porter was kept from public meetings because of his negative viewpoints of government while other citizens were welcomed due to their positive viewpoints of government. These policies that lead to Shaun Porter's loss was part of a pattern, practice, custom and policy. Monell Doctrine applies. Shaun Porter is only seeking for meetings after illegal trespass and none prior. Based on all facts previously stated in this complaint.

This is a Frist Amendment Violation

This is a Fourteenth Amendment Violation

Compensatory Damages $11,000,000 for the eleven days (meetings) Shaun Porter was denied his civil rights under color of law. Each meeting was 2-5 hours of lost liberty.

Punitive Damages as the trier of fact determines

Plus Court costs, legal fees, and any other relief the Counter Plaintiff /Plaintiff Shaun Porter may require.

Seeking Judgement in favor of Counter-Plaintiff/Plaintiff Shaun Porter for above damages against, Washington County Board of County Commissioners, John Barr, Jeff Cline, Randal Wagner, Zach

Kieffer, Michelle Gordon, Randal Leatherman, Aaron Weiss, Derek Harvey, Jointly and Severely. WHEREFORE THE COURT SHOULD GRANT JUDGEMENT IN ABOVE REFERENCED DAMAGES IN FAVOR OF SHAUN PORTER

COUNT V CIVIL ACTION FOR DEPRIVATION OF RIGHTS 42 U.S.C. § 1983 – VIEWPOINT DISCRIMINATION-WCPS ERIN ANDERSON

Erin Anderson has created a policy for Washington County Public Schools to automatically hide negative viewpoints with a pre-selected list of negative words. Erin chose the words. Erin set up Facebook to automatically hide comments from other citizens while fooling posters of the comments to believe all could see their comments on a public forum known as Facebook. This is a governmental page, and censorship continues to this day. Erin created the policy. Shaun Porter's comments were hidden over months, and a bill of particulars will be provided in discovery proving the hidden comments. If you typed "Fuck David Sovine" your viewpoint about the super intendent would be hidden. If you typed "Love David Sovine" your viewpoint would be shared for all to see. Shaun Porter informed Erin Anderson of this viewpoint discrimination and didn't cease. This is all in emails. Based on all facts previously stated in this complaint.

This is a Frist Amendment Violation

This is a Fourteenth Amendment Violation

Compensatory Damages $1,000,000 for the months of hidden emails.

Punitive Damages as the trier of fact determines

Plus Court costs, legal fees, and any other relief the Counter Plaintiff /Plaintiff Shaun Porter may require.

Seeking Judgement in favor of Counter-Plaintiff/Plaintiff Shaun Porter for above damages against, Washington County Public Schools and Erin Anderson Jointly and Severely. WHEREFORE THE COURT SHOULD GRANT JUDGEMENT IN ABOVE REFERENCED DAMAGES IN FAVOR OF SHAUN PORTER

COUNT VI DECLARATORY JUDGEMENT-Honorable Judge Victoria Lobley

Shaun Porter is not seeking damages for being deprived of his First Amendment civil rights to publish about Government officials after an unlawful injunction was ordered by Judge Victoria Lobley. Shaun Porter is not seeking damages under the First Amendment violation of "Prior Restraint of The Press". Shaun Porter wants this court to declare that Judge Victoria Lobley operated outside her authority as a District Court Judge when She issued the temporary Peace order on March 20th 2025 that contained an injunction, when she had absolutely no jurisdiction, and she knew it. This Defendant can't grant equitable relief. This Defendant has no defense for her actions. I am seeking a simple Declaratory Judgement and nothing further. This Defendant operated outside of her job description and authorities granted her. This request is made to end controversy so that further civil litigation against the parties isn't needed. This controversy needs to end. **WHEREFORE THIS COURT SHOULD DECLARE THE HONORABLE JUDGE VICTORIA OPERATED OUTISDE HER JURISDICTION IN FAVOR OF SHAUN PORTER**

COUNT VII DECLARATORY JUDGEMENT-Melissa Williams / Linda Murray

Shaun Porter is seeking a Declaratory Judgement that Melissa Williams and Linda Murray had absolutely no jurisdiction or authority to stop a citizen commenter mid-speech to seek legal consultation on the content of those citizens free speech. I am seeking no damages against these two defendants. The interruptions of public speakers stopped on this day after immense backlash from the citizens. I am seeking a simple Declaratory Judgement. This party was needed to explain the whole nexus as to how this case got

to where it is and its origins. This request is made to end controversy so that further civil litigation against the parties isn't needed. **WHEREFORE THIS COURT SHOULD DECLARE THESE TWO DEFENDANTS OPERATED WITH NO AUTHORITY WHEN THEY VIOLATED SHAUN PORTER'S CIVIL RIGHT TO FREEDOM OF SPEECH.**

COUNT VIII PERMANENT INJUCTION- GOOGLE LLC

Shaun Porter is seeking a permanent injunction for the clear violations of Defendant's section 230 protections. Shaun Porter is likely to prevail at proving that google violated it's section 230 protections and it's own community guidelines by deleting a channel with over 1200 video's and 160,000 subscribers to benefit an opposing political ideology and not at all basis in any true violations. GOOGLE LLC can't make it through discovery without completely exposing it's absolute bias that it swore to President Donald Trump doesn't exist. This business conduct business inside of Washington County and the court has authority to issue this injunction against s@haunporter3755 YouTube channel from being accessed. The data still exists; it's simply being blocked by GOOGLE LLC. This injunction would head off the need for further First Amendment litigation involving their conspiracy with government to extinguish Shaun Porter's free speech. **WHEREFOR THIS COURT SHOULD ENJOIN DEFENDANT GOOGLE LLC FROM BARRING SHAUN PORTER FROM IT'S PLATFORM AND HIS @SHAUNPORTER3755 ACCOUNT AS WELL AS FROM CHARGING SHAUN PORTERS CREDIT CARD.**

COUNT IX PERMANENT INJUNCTION- Meta Platforms,Inc.

During this trial Shaun Porter will prove that Meta Platforms' ban on Shaun Porter accessing it's platform is based on bias that violates it's section 230 protections. Meta Platforms, Inc. didn't even follow it's own

policies and caved to government rather than stand up for its own community guidelines. Meta Platforms cannot survive discovery without discovering it violated it's section 230 protections by exhibiting clear bias. For that reason I am asking this court to enjoin Meta Platforms, Inc. from banning Shaun Porter from accessing his Facebook Profile which still exists but access has been unjustly denied due to government actors seeking to kill embarrassing videos of them making fools of themselves. This injunction would head off the need for further First Amendment litigation involving their conspiracy with government to extinguish Shaun Porter's free speech. **WHEREFORE THIS COURT SHOULD ENJOIN META PLATFORMS FROM IT'S BAN ON SHAUN PORTERS CURRENTLY LOCKED FACEBOOK ACCOUNT.**

Respectfully Submitted,

7/25/25

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

CERTIFICATE OF SERVICE

I hereby certify that I have served VIA MDEC, a true copy attest of the foregoing counter-complaint to Plaintiff/Counter-Defendant John Barr via his attorney of record, Sarah Spitalnick on 7/25/25.

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

E-FILED; Washington Circuit Court
Docket: 7/25/2025 12:08 PM; Submission: 7/25/2025 12:08 PM
Envelope: 22211097

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY MARYLAND

Shaun Patrick Porter
Counter-Plaintiff, Defendant

Case no.: C-21-CV-25-000161

V.
John Barr
Plaintiff – Counter-Defendant, (Personal Capacity)

Derek Harvey
Defendant (Personal Capacity)

Jeffrey Cline
Defendant (Personal Capacity)

Randal Wagner
Defendant (Personal Capacity)

Randal Leatherman
Defendant (Personal Capacity)

Zachary Kieffer
Defendant (Personal Capacity)

Michelle Gordon
Defendant (Personal Capacity)

Jonathan Horowitz
Defendant (Personal Capacity)

Honorable Victoria Lobley
(Personal Capacity)

Dawn Marcus
(Personal Capacity)

Aaron Weiss
(Personal Capacity)

Melissa Williams
Defendant (Personal Capacity)

Linda Murray
Defendant (Personal Capacity)

Erin Anderson
Defendant (Personal Capacity)

Google LLC.
Defendant

Meta Platforms, Inc.
Defendant

Washington County Board of County Commissioners
Defendant

Washington County Public Schools
Defendant

Agency Doe
Defendant

Lazich Doe
Defendant

Grimm Doe
Defendant

Jeff Doe
Defendant

Brian Doe
Defendant

Jane Doe
Defendant

LINE

Defendant/ Counter-Plaintiff , *Pro se*, hereby files this line containing addresses for defendants as per my discussion with Clerk of the Circuit Court Kevin Tucker accompanying counterclaim.

John Barr
Plaintiff – Counter-Defendant, (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Derek Harvey
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Jeffrey Cline
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Randal Wagner
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Randal Leatherman
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Zachary Kieffer
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Michelle Gordon
Defendant (Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Jonathan Horowitz
Defendant (Personal Capacity)

100 W. Washington St
Hagerstown, MD 21740

Honorable Victoria Lobley
(Personal Capacity)
36 W. Antietam St
Hagerstown, MD 21740

Dawn Marcus
(Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Aaron Weiss
(Personal Capacity)
100 W. Washington St
Hagerstown, MD 21740

Melissa Williams
Defendant (Personal Capacity)
10435 Downsville Pike
Hagerstown , MD 21740

Linda Murray
Defendant (Personal Capacity)
10435 Downsville Pike
Hagerstown , MD 21740

Erin Anderson
Defendant (Personal Capacity)
10435 Downsville Pike
Hagerstown , MD 21740

Google LLC.
Defendant
Serve:
CSC-LAWYERS INCORPORATING SERVICE COMPANY
7 St. Paul Street
Suite 820
Baltimore, MD 21202

Meta Platforms, Inc.
Defendant
Serve:
CSC-LAWYERS INCORPORATING SERVICE COMPANY
7 St. Paul Street
Suite 820
Baltimore, MD 21202

Washington County Board of County Commissioners
Defendant
100 W. Washington St
Hagerstown, MD 21740

Washington County Public Schools
Defendant
10435 Downsville Pike
Hagerstown , MD 21740

Agency Doe
Defendant

Lazich Doe
Defendant

Grimm Doe
Defendant

Jeff Doe
Defendant

Brian Doe
Defendant

Jane Doe
Defendant

Respectfully Submitted,

7/25/25

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

CERTIFICATE OF SERVICE

I hereby certify that I have served VIA MDEC, a true copy attest of the foregoing Line to Plaintiff/Counter-Defendant John Barr via his attorney of record, Sarah Spitalnick on 7/25/25.

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

E-FILED; Washington Circuit Court
Docket: 8/28/2025 10:46 PM; Submission: 8/28/2025 10:46 PM
Envelope: 22712617

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY MARYLAND

Shaun Patrick Porter
Counter-Plaintiff, Defendant

Case no.: C-21-CV-25-000161

V.

John Barr
Plaintiff – Counter-Defendant, (Personal Capacity)

Derek Harvey
Defendant (Personal Capacity)

Jeffrey Cline
Defendant (Personal Capacity)

Randal Wagner
Defendant (Personal Capacity)

Randal Leatherman
Defendant (Personal Capacity)

Zachary Kieffer
Defendant (Personal Capacity)

Michelle Gordon
Defendant (Personal Capacity)

Jonathan Horowitz
Defendant (Personal Capacity)

Honorable Victoria Lobley
(Personal Capacity)

Dawn Marcus
(Personal Capacity)

Aaron Weiss
(Personal Capacity)

Melissa Williams

Defendant (Personal Capacity)

Linda Murray
Defendant (Personal Capacity)

Erin Anderson
Defendant (Personal Capacity)

Google LLC.
Defendant

Meta Platforms, Inc.
Defendant

Washington County Board of County Commissioners
Defendant

Washington County Public Schools
Defendant

Agency Doe
Defendant

Lazich Doe
Defendant

Grimm Doe
Defendant

Jeff Doe
Defendant

Brian Doe
Defendant

Jane Doe
Defendant

REQUEST FOR ORDER of DEFAULT

COMES NOW; Counter Plaintiff Shaun Patrick Porter, *Pro se*, hereby requests an Order of Default against served Defendant, John Bar under Md. Rule 2-613, for the reasons states:

Counter Plaintiff served a true copy attest of "Counter Claim" on July 25, 2025, in compliance with Md. Rule 2-613 (b) Maryland Rules of Civil Procedure, and in support thereof shows the court the following:

FACTS of DEFAULT

1. Counter Plaintiff served Counter Claim to Defendant VIA MDEC on July 25th, 2025 - envelope number 22211097.
2. Counter Plaintiff received notification of service at 12:08 pm envelope number 22211097 for defense Sarah Spitalnick.
3. Counter Plaintiff received notification of being accepted envelope number 22211097 1:008pm EST.
4. Counter Plaintiff emailed a true copy attest DIRECTLY to Defendant John Barr on July 25th, 2025, for good measure.
5. The Herald mail, the local paper of record, ran a story on the front page of the local paper of record notifying the community of the counterclaim on July 29th, 2025.
6. Counter Plaintiff again emailed Defendant John Barr and Attorney Sarah Spitalnick on August 20th, 2025, for good measure.
7. Counter Plaintiff dropped off a hard copy true copy attest of the counterclaim at his work for good measure on August 20th, 2025.

8. As of August 28th, 2025, defendant is now 3 days past 30-day response time frame and the Defendant has not filed an answer.

MILITARY SERVICE AFFADAVIT

I can confirm that the Defendant is not in the military, nor is he active duty. I did a search of the SCRA database and got report confirming that 71-year-old John Barr is not in the military. Please see Exhibit 1 SCRA report showing 71-year-old defendant is not active duty.

I hereby certify and affirm under the penalties of perjury and personal knowledge, that the facts 1 through 8 above and matters set forth in the forgoing affidavit are true and correct.

8/28/25

Shaun Patrick Porter, *Pro se*

WHEREFORE, under Md. Rule 2-613, the Plaintiff is entitled to an Order of Default as to Defendant John Barr.

Respectfully Submitted,

Shaun Porter, *Pro se* 8/28/25

Defendant/, Counter-Plaintiff

6583 Edgewood Rd, New Market, MD 21774

202-830-8048 shaunporter@usa.com

Department of Defense Manpower Data Center

E-FILED; Washington Circuit Court
Docket: 8/28/2025 10:46 PM; Submission: 8/28/2025 10:46 PM
Envelope: 22712617

Status Report
Pursuant to Servicemembers Civil Relief Act

SSN:
Birth Date: Sep-XX-1953
Last Name: BARR
First Name: JOHN
Middle Name: FRANKLIN
Status As Of: Aug-28-2025
Certificate ID: NFGQHMP33JGKM1K

NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

NA	NA	No	NA
This response reflects whether the individual left active duty within 367 days preceding the Active Duty Status Date			

NA	NA	No	NA
This response reflects whether the individual or unit has received notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: https://scra.dmdc.osd.mil/scra/#/faqs. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740
Civil/Family/Juvenile: 301-790-4972 Criminal: 301-790-7941 General: 301-733-8660 Assignment: 240-313-2540
Maryland Relay Service: 711

Case Number: **C-21-CV-25-000161**
Other Reference Numbers: **ACM-REG-0895-2025**

JOHN BARR VS. SHAUN PORTER

Date: 8/29/2025

CLERK'S CERTIFICATION

I HEREBY CERTIFY, that no Answer or Appearance has been filed for or on behalf of John Barr 12404 Rocky Fountain Ln. Clear Spring, MD 21722 as of 8/29/2025.

Kevin R. Tucker
Clerk of the Circuit Court

E-FILED; Washington Circuit Court
Docket: 9/2/2025 3:52 PM; Submission: 9/2/2025 3:52 PM
Envelope: 22751465

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff/Counter Defendant,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant/Counter Plaintiff*	)	
JOHN BARR et al., Counter Defendants	)	

PLAINTIFF'S MOTION TO STRIKE OR IN THE ALTERNATIVE TO DISMISS

Plaintiff/Counter Defendant John Barr, by and through counsel, respectfully moves this Court to Strike or in the alternative Dismiss, pursuant to Maryland Rules 2-432 and 2-510. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Opposition to Motion for Default and Motion to Strike or in the alternative Motion to Dismiss (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court Deny Defendant/Counter Plaintiff Motion for Default and grant such other relief as deemed just and proper.

Dated: September 2, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Counsel for Plaintiff/Counter Defendant John Barr

CERTIFICATE OF SERVICE

I certify that on September 2, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 9/2/2025 3:52 PM; Submission: 9/2/2025 3:52 PM
Envelope: 22751465

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff/Counter Defendant,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant/Counter Plaintiff*	)	
JOHN BARR et al., Counter Defendants	)	

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR DEFAULT

Plaintiff/Counter Defendant John Barr, by and through counsel, respectfully moves this Court to Deny Defendant/Counter-Plaintiff's Motion for Default, pursuant to Maryland Rules 2-432 and 2-510. The grounds for this motion are fully set forth in Plaintiff's Memorandum of Law in Support of Plaintiff's Opposition to Motion for Default and Motion to Strike or in the alternative Motion to Dismiss (the "Memorandum"), which is incorporated herein as if set forth fully and serves as the memorandum of law in support of this motion.

WHEREFORE, Plaintiff requests that the Court Deny Defendant/Counter Plaintiff Motion for Default and grant such other relief as deemed just and proper.

Dated: September 2, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Counsel for Plaintiff/Counter Defendant John Barr

CERTIFICATE OF SERVICE

I certify that on September 2, 2025, a copy of this Motion was served via MDEC to all parties registered to receive electronic service, including pro se Defendant Shaun Porter.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Washington Circuit Court
Docket: 9/2/2025 3:52 PM; Submission: 9/2/2025 3:52 PM
Envelope: 22751465

CIRCUIT COURT
WASHINGTON COUNTY, MARYLAND

JOHN BARR, *Plaintiff/Counter Defendant,*	)	
v.	)	Civil Case No. C-21-cv-25-000161
SHAUN PORTER, *Defendant/Counter Plaintiff*	)	
JOHN BARR et al., Counter Defendants	)	

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUEST FOR ORDER OF DEFAULT AND MOTION TO STRIKE OR, IN THE ALTERNATIVE, MOTION TO DISMISS THE COUNTER-COMPLAINT

Plaintiff/Counter Defendant John Barr ("Barr"), by and through undersigned counsel, respectfully submits this Memorandum of Law in support of his Opposition to Defendant/Counter Plaintiff Shaun Porter's ("Porter") Request for Order of Default, filed on August 28, 2025, and his Motion to Strike or, in the alternative, Motion to Dismiss Porter's Counter-Complaint for failure to state a claim upon which relief can be granted.

INTRODUCTON

The Counter-Complaint is a bad-faith filing that is difficult to understand due to its lengthy, inflammatory narrative and 235 vague factual allegations, many of which are irrelevant, hearsay, conclusory, or unsupported opinions. It is vague and broad, lacking sufficient facts to support key elements of its claims, and overinclusive, naming 13 individuals, two corporate entities, two government entities, and six Doe defendants without specifying their roles or providing evidence against them. The Counter-Complaint is not a permissive or compulsory claim and has no relevance to this case, as it introduces unrelated parties and allegations that do not arise from the

same transaction or occurrence as Barr's original defamation claim under Md. Rule 2-331. Porter's pattern of abusing the litigation system in bad faith, including repeated false accusations against Barr's counsel Sarah Spitalnick ("Spitalnick"), violation of court orders against harassment, and contradictory filing behavior, further renders the Counter-Complaint improper. The Counter-Complaint's misrepresentation of the Maryland Open Meetings Act Compliance Board's Opinion, speculative damages, and inflammatory statements without litigation purpose support striking it as scandalous, impertinent, and facially improper under Md. Rule 2-322(e), or dismissing it for failure to state a claim under Md. Rule 2-322(b). Sanctions are warranted under Md. Rule 1-341 for Porter's bad-faith conduct.

FACTUAL BACKGROUND

1. On June 11, 2025, Barr filed a Complaint against Porter for defamation, invasion of privacy, and intentional infliction of emotional distress, arising from Porter's public display of a sign falsely accusing Barr of incest with his late mother.
2. On May 9, 2025, Porter filed a Motion to Dismiss ("MTD") Barr's Complaint under Maryland's anti-SLAPP statute (§ 5-807), arguing the suit was politically motivated to silence his protected speech.
3. The Motion to Dismiss was denied in its entirety, finding the suit was not political and had merit.
4. During the anti-SLAPP MTD Hearing, Porter requested a stay of the case until September 2025 due to his unavailability, and Barr consented on the record, agreeing not to further litigation until September 2025.
5. Porter expressed that his unavailability was due to his disabled son not being in school and needing extra attention.
6. Despite this, Porter filed the Counter-Complaint in July 2025, violating the agreement he requested.
7. The Counter-Complaint alleges defamation per se, abuse of process, false light, and § 1983 violations, seeking $90 million, $1 million, $1 million, and $11 million, respectively. It includes 235 vague factual allegations, many inflammatory, harassing, and jovial.

8. Porter has a history of bad-faith litigation, including sanctions in the Shaun Porter et al, v. Washington County Board of County Commissioners; C-21-cv-25-000180 ("180") suit for harassing WCBOCC counsel, baseless joinder attempts, and a denied MSJ against a non-party. This Court previously warned Porter if he does not to cease harassing opposing parties and their counsels further sanctions could be imposed *and* that Porter is to treat this case with the seriousness it requires, which he violated.
9. The Counter-Complaint overlaps with the prior 180 suit, that was dismissed without prejudice after Justin Holder (Co-Plaintiff)'s dismissal and sanctions imposed on Porter and Justin Holder.
10. The Compliance Board's Opinion (July 17, 2025) found ejections legal for disruptive conduct, invalidating only the no-trespass order.
11. No incidents have occurred regarding Porter's allegations regarding the Compliance Board's Opinion post-July 17, 2025.
12. During the MTD Hearing, this Court warned Porter that if he did not cease his inappropriate conduct that sanctions could be imposed.

LEGAL STANDARD

The imposition of sanctions is warranted when a party engages in conduct that violates court orders, the Maryland Rules, or the principles of fair and orderly litigation. The Court's authority to impose sanctions derives from its inherent power to manage proceedings and ensure compliance with its directives, as well as specific provisions under the Maryland Rules.

Maryland Rule 2-613 – Default Judgment

Under Md. Rule 2-613, a default judgment may be entered if a defendant fails to plead within the required time, but the failure must be willful, and the plaintiff must show prejudice. Courts have discretion to deny default if the defendant shows excusable neglect, meritorious defenses, and lack of prejudice to the plaintiff *Attorney Grievance Comm'n v. Steinberg*, 395 Md. 337 (2006); *Banegura v. Taylor*, 312 Md. 609 (1988). Excusable neglect exists when the delay is

reasonable and not willful, such as reliance on an agreement or the pleading's deficiencies *Holly Hall Publ'ns, Inc. v. County Comm'rs,* 147 Md. App. 251 (2002). Meritorious defenses are shown by facts indicating a viable defense, *Steinberg*. Lack of prejudice is assessed by the plaintiff's conduct, including bad-faith tactics, *Banegura*. Maryland favors merits-based resolutions over technical defaults.

Maryland Rule 2-322(e) – Motion to Strike

Under Md. Rule 2-322(e), a court may strike a pleading that is scandalous, impertinent, or otherwise improper, including those with unnecessary offensive language or baseless allegations *Maryland Metals, Inc. v. Harbaugh*, 33 Md. App. 570.

Maryland Rule 2-322(b) – Failure to State a Claim

Under Md. Rule 2-322(b), a complaint must be dismissed if it fails to state a claim upon which relief can be granted, accepting well-pleaded facts as true but not conclusory statements or unsupported opinions *Norman v. Borison*, 192 Md. App. 405 (2010). Damages must be supported by specific facts, not speculation *Bowden v. Caldor, Inc*., 350 Md. 4 (1998).

Maryland Rule 1-341 – Bad Faith and Unjustified Conduct

Maryland Rule 1-341 authorizes the Court to impose sanctions, including attorneys' fees and costs, when a party maintains or defends a proceeding in bad faith or without substantial justification. The rule aims to deter abusive litigation tactics and ensure that parties adhere to principles of good faith. Bad faith may be inferred from actions that are "vexatious, wanton, or oppressive," such as the deliberate violation of court orders, the misuse of confidential information, or the use of harassing and defamatory tactics to intimidate opposing parties or counsel. *See Nerenberg v. RICA*, 131 Md. App. 646. Porter's actions—attempting unauthorized discovery, violating court orders, and making defamatory threats against Plaintiff's counsel—demonstrate a pattern of bad faith conduct that justifies sanctions under Rule 1-341.

Court's Inherent Authority to Sanction Beyond the Maryland Rules

This Court possesses inherent authority to impose sanctions for conduct that disrupts the administration of justice or disobeys court orders. *See Wynn v. State,* 388 Md. 423, 437 (2005). The Court's May 19, 2025, Order explicitly prohibited Porter from conducting discovery without prior approval, yet Porter's emails on May 23, 2025, demonstrate his intent to disregard this directive. Additionally, his harassment and vexatious litigation tactics further undermine the orderly administration of justice, necessitating sanctions to enforce compliance and deter future violations.

Maryland Rule 2-331 – Counterclaims

Compulsory counterclaims under Md. Rule 2-331(a) must arise from the same transaction or occurrence as the original claim, while permissive counterclaims do not; irrelevant or bad-faith counterclaims may be struck or dismissed *MCB Woodberry Developer, LLC v. Council of Owners of the Millrace Condo., Inc.,* 253 Md. App. 279 (2022), affirming dismissal of counterclaims unrelated to the original claim and filed in bad faith, holding that such counterclaims violate litigation standards and warrant dismissal.

ARGUMENT

Response Filing

Barr's delay in responding to the Counter-Complaint was excusable, as he reasonably relied on the agreed-upon stay until September 2025, requested by Porter and consented to by Barr on the record at the anti-SLAPP MTD hearing, due to Porter's unavailability. Porter's filing in July 2025 violated this agreement, demonstrating bad faith and causing Barr's delay, as he did not expect new filings during the stay period. This reliance constitutes excusable neglect under Md. Rule 2-321, as the delay was not willful but induced by Porter's representation, consistent with Maryland courts' preference for merits-based resolutions *Banegura v. Taylor,* 312 Md. 609 (1988).

The Counter-Complaint's lack of clarity, with 235 vague facts many irrelevant or hearsay, inflammatory language (e.g., Fact 8; "douche bag" and "fucking ape shit"), and conclusory claims (e.g., Fact 4 conspiracy,), further justified the delay, as it required additional time to parse, in line with *Holly Hall Publ'ns, Inc. v. County Comm'rs*, 147 Md. App. 251 (2002), where the court recognized pleading deficiencies as a basis for excusable neglect. Porter's history of bad-faith litigation against Barr and his counsel, including sanctions for harassing counsel with insults and sharing private information, false accusations such as Spitalnick's withdrawal and taxpayer funding, baseless joinder attempts, and a denied MSJ in the prior 180 suit, added to the complexity, as the Counter-Complaint continues this pattern of abuse of the litigation system, supporting excusable neglect.

Counter-Complaint's Deficiencies

The Counter-Complaint's deficiencies against other defendants, such as lack of state action for Meta and Google (Facts 76–81, 210), judicial immunity for Lobley, and no evidence against the 13 individuals, two government entities, and six Does, render it facially improper. The misrepresentation of the Compliance Board's Opinion (Fact 234; Exhibit 1,19 OMCB Opinions 178 (2025)) as invalidating ejections, when it found them legal for disruptive conduct and mooning/cursing unprotected, adds to the confusion, as it requires addressing false claims, consistent with Md. Rule 2-322. The Counter-Complaint's speculative damages ($90 million for Count I, $1 million for Counts II and III, $11 million for Count IV) lack justification, and Porter's admission of increased social media attention (Facts 75, 209) and role in publicizing the case (Facts 75, 209) undermine harm claims, supporting excusable neglect by showing the Counter-Complaint's lack of merit. The "trespasser" statements do not imply "violent criminal" (Count III), as this is Porter's unsupported opinion lacking evidence of connection to violent criminality. Porter's failure to follow discovery directives, only attempting a restricted deposition, and

violation of court orders against harassment demonstrate bad faith, supporting excusable neglect. The Counter-Complaint's violation of the agreed-upon stay until September 2025, requested by Porter, further justifies the delay, as Barr relied on the agreement, and Porter's violation shows bad faith.

Meritorious Defenses

Barr has meritorious defenses to the Counter-Complaint, as it fails to state a claim upon which relief can be granted, with all counts deficient due to vagueness and lack of facts. The Counter-Complaint is not a permissive or compulsory claim and has no relevance to this case, as it introduces unrelated parties and allegations that do not arise from the same transaction or occurrence as Barr's original defamation claim under Md. Rule 2-331, making it improper and warranting dismissal, as in *MCB Woodberry Developer, LLC v. Council of Owners of the Millrace Condo., Inc.,* 253 Md. App. 279 (2022), where the court affirmed dismissal claims filed in bad faith. The Compliance Board's Opinion finding ejections legal for disruptive conduct and mooning/cursing unprotected negates falsity and actual malice in Count I, improper motive in Count II, intent or falsity in Count III, and viewpoint discrimination in Count IV, limited to the no-trespass order. Porter's admission of increased social media attention and role in publicity undermine damages and harm claims, as he benefited from the conduct. The "trespasser" statements do not imply "violent criminal," as this is an unsupported opinion lacking evidence. The Counter-Complaint's inflammatory statements (Fact 8, "fucking ape shit" and "douche bag") have no legitimate litigation purpose, supporting defenses by showing bad faith. Porter has been warned by this Court previously that he needed to cease his inappropriate conduct and take this litigation seriously. Porter has continuously failed to heed this Court's warning and continues to harass and pursue litigation tactics that are improper and vexatious. Porter's violation of the stay

agreement, false accusations, misrepresentation of the Compliance Board's Opinion, and pattern of abusing the litigation system in bad faith further negate the claims' merits.

No Prejudice

Porter suffers no prejudice from the delay, as his violation of the stay agreement induced Barr's reliance, and his bad-faith conduct (e.g., sanctions for harassing counsel, false accusations, violation of court orders, contradictory filing, failure to follow discovery directives) suggests the default motion is tactical, reducing prejudice. The absence of post-July 17, 2025, incidents and Porter's increased social media attention reduce prejudice, as Porter benefited from the conduct. Porter's pro se status does not excuse his deficiencies, given his litigation experience (over 45 filings in the prior 180 suit) and sanctions, as courts require pro se litigants to meet substantive standards *Tretick v. Layman*, 95 Md. App. 62 (1993).

Continued Patter of Bad Faith by Porter

The Counter-Complaint should be struck under Md. Rule 2-322(e) as scandalous, impertinent, and facially improper, or alternatively dismissed for failure to state a claim under Md. Rule 2-322(b), as it is difficult to understand due to its lengthy, inflammatory narrative and 235 vague factual allegations, many of which are irrelevant, hearsay, conclusory, or unsupported opinions. The Counter-Complaint is not a permissive or compulsory claim and has no relevance to this case, as it introduces unrelated parties and allegations that do not arise from the same transaction or occurrence as Barr's original defamation claim under Md. Rule 2-331, making it improper and warranting dismissal, as in *MCB Woodberry Developer, LLC v. Council of Owners of the Millrace Condo., Inc*., 253 Md. App. 279 (2022), where the court affirmed dismissal claims filed in bad faith. The Counter-Complaint's deficiencies against other defendants, such as lack of state action for Meta and Google (Facts 76–81, 210), judicial immunity for Lobley, and no

evidence against the 13 individuals, two government entities, and six Does, render it facially improper, supporting dismissal.

Porter's pattern of abusing the litigation system in bad faith, as evidenced by the prior 180 suit's 45 filings, sanctions, false accusations, violation of court orders, contradictory filing, and failure to follow discovery directives, supports sanctions under Md. Rule 1-341. The Counter-Complaint's misrepresentation of the Compliance Board's Opinion (Fact 234; 19 OMCB Opinions 178 (2025)) as invalidating ejections, when it found them legal for disruptive conduct and mooning/cursing unprotected, negates falsity, actual malice, improper motive, intent, and constitutional deprivation, supporting dismissal, as in *MCB Woodberry Developer, LLC v. Council of Owners of the Millrace Condo., Inc.,* 253 Md. App. 279 where bad-faith pleadings were dismissed as improper. The Counter-Complaint's inflammatory statements (e.g., "douche bag," Fact 8) have no legitimate litigation purpose, supporting striking as scandalous under Md. Rule 2-322(e). Porter's admission of increased social media attention (Facts 75) and role in publicizing the case (Facts 75) undermine damages and harm claims, as he benefited from the conduct, supporting dismissal for failure to state a claim, as in *Bowden v. Caldor, Inc.*, 350 Md. 4 (1998), where the Court emphasized the needed for actual basis for damages.

The "trespasser" statements do not imply "violent criminal" (Count III), as this is Porter's unsupported opinion lacking evidence of connection to violent criminality, supporting dismissal under *Norman v. Borison*, 192 Md. App. 405 (2010), where conclusory opinions without facts failed to state a claim. Porter cannot show that at the time of the statements Barr knew or should have known they were false, as the Compliance Opinion stated ejections for disruptive conduct are legal, thus Porter would be trespassing if he did not leave after being rightfully ejected for disruptive conduct.

If any doubt looms over whether the Counter-Complaint is deficient and/or filed in bad faith, it is a clear misrepresentation of facts within the Compliance Board's Opinion. The Opinion was very clear on certain facts: the 6-month no-trespassing order was a violation of the Act, cursing/mooning not protected speech, ejections for disruptive conduct are within WCBOCC's authority, and that they made no determination on the Rules of Decorum. Porter not only ignored over half the Opinion, but then misrepresented what it found, which just so happens to be the elements needed for his claims against Barr. Porter asserts that his ejections were illegal, but the Opinion specifically states WCBOCC can eject a person if they are conducting disruptive behavior. Porter was ejected for his disruptive conduct. Porter asserts that he is within his right to moon/curse during his time to speak without issue. The Opinion expressly states mooning/cursing are not protected and can be considered disruptive. Porter was never ejected due to his viewpoint or criticism of Barr or the Commissioners, but for disruptive conduct. Porter believes his ejections were wrongful but has no evidence to support that opinion; specifically, the Compliance Board Opinion stated the exact opposite. Porter also attempts to assert that getting "mooned" by him is embarrassing for Barr. There is no evidence to support "mooning" is embarrassing to Barr, again an assertion based solely on his personal opinion, not facts. Porter asserts that since he embarrassed Barr then Barr had to have ejected him to avoid further embarrassment, and thus he was ejected for viewpoint discrimination and personal animosity. This entire assertion is circular, and without evidence to show "mooning" was embarrassing enough to make Barr eject Porter, it is again Porter's unsupported opinion not fact.

Porter continuously stated in the Counter-Complaint that being thrown out of the meeting was humiliating to him, yet Porter himself publicized this suit and its related matters more than any other person or entity. Porter cannot publicize his incidents with WCBOCC and then turn around and claim harm by WCBOCC streaming the incidents, as they routinely do. All attention Porter has received from his incidents with WCBOCC has been at his own hands and he has

profited from his publications. Porter is, again in bad faith, attempting to abuse the litigation system to be unjustly enriched. Porter knows he has benefited from his publication of his incidents with WCBOCC yet pleads in the Counter-Complaint he was harmed by the publications of the incidents with WCBOCC.

The Counter-Complaint's violation of the agreed-upon stay until September 2025, requested by Porter, further justifies striking or dismissal as improper, as it was filed in bad faith during an agreed-upon pause, supporting sanctions under Md. Rule 1-341, as in *Attorney Grievance Comm'n v. Steinberg*, 395 Md. 337 (2006).As in the False Light Count, Porter published and publicized this and the prior 180 suit more than any named Counter-Defendant, where he published these alleged false statements—these statements were true—making videos to help gain more support for himself. Porter cannot publish what he considers false statements then claim false light and defamation on the same statements he published himself. Porter's entire Counter-Complaint is in bad faith and asking for a stay until September then violating it in an attempt to harm Barr is further proof of Porter's true intentions.

Lastly, the Counter-Complaint's speculative damages ($90 million for Count I, $1 million for Counts II and III, $11 million for Count IV) lack justification. Porter has no basis to request over 100 million dollars, as his own misrepresentations negate all perspective damages Porter asserts. Porter alludes that he based his damages off of Barr's damages yet gives no justification on how Barrs damages would be considered similar and how/why Porter can request similar relief. But besides the complete lack of justification on all damages, the Compliance Board Opinion completely negates all elements needed for Counts I-III and the complete lack of evidence that ejections and statements were wrongful, Porter has no claims relief can be granted for. The Compliance Board Opinion was very clear, yet Porter not only ignored the Opinion, but misrepresented its finding to support his unfounded claims.

The Counter-Complaint's numerous deficiencies, render it facially improper and impertinent, warranting striking or dismissal under Md. Rule 2-322(e).

CONCLUSION

For the foregoing reasons, Barr respectfully requests that the Court deny Porter's Request for Order of Default, grant the Motion to Strike or Dismiss the Counter-Complaint, award sanctions, and grant such other relief as the Court deems appropriate.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on September 2, 2025, a copy of this Memorandum was served via MDEC to all parties registered to receive electronic service, including pro se Defendant/Counter Plaintiff Shaun Patrick Porter.

/s/*Sarah Spitalnick*
Sarah Spitalnick

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Governor

ARUNA MILLER
Lt. Governor

RUNAKO KUMBALA ALLSOPP, ESQ.,
CHAIR
LYNN MARSHALL, ESQ.

STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

19 *Official Opinions of the Compliance Board* 178 (2025)

July 17, 2025

Washington County Board of County Commissioners

The Complainant alleges that the Washington County Board of County Commissioners (the "County Board" or "Board") violated the Open Meetings Act ("the Act") by warning him to not engage in offensive or harassing behavior and by prohibiting him from attending the Board's open meetings for six months after he used profanity and exposed his buttocks at previous Board meetings. The Board responds that it has a right to prevent the Complainant from appearing in person to eliminate "inevitable disruption" and the Complainant had a "meaningful" alternative of observing meetings via livestream.

For the reasons below, we conclude that the County Board did not violate the Act by warning the Complainant not to engage in harassing or offensive behavior. But we find that the Board violated the Act by prospectively banning the Complainant from its open meetings for six months.

Background

The Complainant regularly attends meetings of the County Board and participates in the public comment portions of meetings. He frequently insults members of the County Board, uses curse words, and has exposed his buttocks multiple times. The following are the most recent events leading up to the complaints here.

On March 4, 2025, during the public comments portion of a County Board meeting, the Complainant addressed the Board for about three minutes.[1] He cursed several times, compared the Commissioners to Nazis, and accused several Commissioners of crimes and

[1] A recording of the meeting is available at https://www.youtube.com/live/T3C0xeNcFNM?t=1664s (last visited July 17, 2025). The Complainant's comments begin around the 37:40 timestamp.

misconduct while advocating against a decorum policy that he said would silence free speech.

On March 18, 2025, the Complainant spoke during a public comment portion of a County Board meeting, exposing his buttocks, the Complainant said, to demonstrate his views on the Board's "policies and [its] intellect."[2]

On March 20, 2025, the County Attorney emailed the Complainant a "notice that the behavior [that he] ha[d] previously exhibited at Commissioner meetings" and "threatened to exhibit in future meetings" was "completely unacceptable." The County Attorney said that the Complainant's use of "foul language" and "yelling and screaming in threatening tones" during public comment periods had caused "real harm to County employees," who "[did] not feel safe attending meetings when [he] [was] present" and were "distracted and disturbed by [his] presence even when they [were] not actively participating."[3] The letter concluded with the following:

> In order to protect County employees, you are to cease all of your harassing conduct towards the County and its employees. The escalation of your language and actions are a genuine safety concern to the County. If you continue to act in a harassing and offensive manner, the County will explore all legal options available to protect staff and citizens conducting legitimate County business.

On April 8, 2025,[4] the Complainant attended a County Board meeting and addressed the body for about two-and-a-half minutes during a public comment period.[5] The Complainant used curse words and complained about the Board's changes to its public comments policy. He then warned the audience that he intended to expose his buttocks to the Commissioners. As he stood up and began pulling down his shorts, the County Board's President told the Complainant that he was "out of time." The Complainant briefly exposed his buttocks and the President told the Complainant that he was "disrupting the meeting"

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[2] A recording of the meeting is available at https://www.youtube.com/watch?v=MqtPlXiD0z4&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=17 (last visited July 17, 2025). The Complainant's comments begin around the 45:17 timestamp.

[3] The County Attorney also asserted that the Complainant had "consistently sen[t] hateful and inappropriate e-mails to County employees, containing racial slurs and epithets[] that have nothing to with County business," and used "requests under the Public Information Act as an opportunity to abuse, harass, and insult County staff and citizens who [he] include[d] in]his] e-mails."

[4] The complaint says that this meeting occurred on March 8, but that appears to be a typo.

[5] A recording of the meeting is available at https://www.youtube.com/watch?v=E8gUWmjhros&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=13 (last visited July 17, 2025). The Complainant's comments begin around the18:39 timestamp.

and to "please leave." When the Complainant said that he still had time remaining to address the Board,[6] the President repeated that the Complainant had disrupted the meeting and said that the Board would recess the meeting if the Complainant did not leave. The Complainant continued to argue that he was entitled to exhaust his allotted comment time, and the Board recessed the meeting.

Following this exchange, County officials told the Complainant that he was not allowed to attend County Board meetings for the next six months. In a letter that the County Attorney emailed the Complainant the same day (April 8), the County Attorney said that the Complainant had "not follow[ed] the instructions of the presiding officer," had "used profanity" and had "exposed [his] buttocks," "act[ing] in a manner that was disruptive and disturbing of the conduct of normal business of the Board." "As a result of [the Complainant's] actions and unwillingness to abide by the meeting rules of the Board," the letter advised the Complainant that he was "not to attend meetings of the Board . . . for a period of Six (6) months." The County Attorney further advised the Complainant that a copy of the letter had been shared with local law enforcement officials.

On April 29, 2025, the Complainant tried to attend a meeting of the County Board. At the start of the meeting, the Board's President asked the Complainant to leave, noting that he had been asked to stay away from Board meetings due to his "disruptive conduct."[7] The Complainant asked the President if he was asking the Complainant to leave an open meeting, and the President responded, "yes." The Board recessed for about twenty seconds as the Complainant left the room.

On May 6, 2025, the Complainant again tried to attend a County Board meeting. At the start of the meeting, the President asked the Complainant to leave. The Complainant called the President a tyrant and left.[8] According to the Complainant, he briefly left the premises of the meeting then returned at 9 a.m., when he again was told to leave the meeting.[9]

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[6] The County Board typically allows speakers three minutes each to address the body during public comment periods. *See* Board of County Commissioners of Washington County, *Meeting Conduct and Meeting Sequence*, https://www.washco-md.net/wp-content/uploads/Meeting-Conduct-and-Meeting-Sequence-Rules.pdf (last visited July 17, 2025).

[7] A recording of the meeting is available at https://www.youtube.com/watch?v=3pwO9CtbgZI&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=16 (last visited July 17, 2025). The exchange between the County Board's President and the Complainant begins around the 8:00 timestamp.

[8] A recording of the meeting is available at https://www.youtube.com/watch?v=WFETNnKawag&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=3 (last visited July 17, 2025). The exchange begins around the 7:46 timestamp.

[9] This does not appear on the recording of the meeting.

On May 13, 2025, the Complainant and a companion, each appearing to be using cell phones to record the proceedings, entered a County Board meeting while it was in progress and sat down in the audience. The presiding officer asked the Complainant to leave. Without saying a word, the Complainant got up and walked toward the exit. The presiding officer asked that the room be cleared, and the body recessed the meeting for about six-and-a-half minutes.[10]

Later on May 13, the Complainant attended a second meeting of the County Board. At the start of the meeting, the President asked the Complainant to leave.[11] The Complainant asserted the right to be present. After about a minute, the President asked everyone to clear the room and the Board recessed the meeting.[12]

Discussion

The Complainant has filed six separate complaints based on the events described above. He makes two basic assertions: first, that the County Board improperly threatened him with the March 20 letter, and second, that the County Board had no authority to ban him from attending County Board meetings for six months.[13]

As to the March 20 letter, we find no violation. The Complainant asserts that the letter was a threat, which he read as "demanding [that] [he] not attend open meetings." Although we do not read the letter that way, "[w]e acknowledge that the Supreme Court of Maryland, in *City of New Carrollton v. Rogers*, said that 'any action taken by [a] public body which discourages public attendance at [a] meeting to any substantial degree would likely violate the Act's provisions.'" 18 *OMCB Opinions* 147, 151 (2024) (quoting 287 Md. 56, 69 (1980)). "But as we have previously explained, 'the Court there was talking about actions like 'locking . . . doors' at the meeting site after giving notice of the meeting." 18 *OMCB Opinions* 185, 186 (2024) (quoting 18 *OMCB Opinions* at 151). The March 20 letter simply advised the Complainant that if he acted in "a harassing and offensive manner,

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[10] A recording of the meeting is available at https://www.youtube.com/watch?v=u64n_0ok5XI&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=7 (last visited July 17, 2025). The relevant portion of the meeting begins around the 50:00 timestamp.

[11] A recording of the meeting is available at https://www.youtube.com/watch?v=ZJ7zrjAEQbc&list=PL7X-j0EwreAd_6kV3IjxO-_XNwDNn0esS&index=10 (last visited July 17, 2025). The relevant portion of the meeting begins around the 00:46 timestamp.

[12] It is not clear from the recording how long the recess lasted.

[13] The Complainant also mentions a defamation suit, filed by the President of the County Board, which the Complainant describes as "an intimidation tactic to scare [him] from attending public meetings and speaking out" against the Board President. But actions by a single member of a public body, in the member's individual capacity, do not implicate the Act, which applies only to public bodies. *See, e.g.*, 13 *OMCB Opinions* 21, 22 (2019). Thus, we do not address this allegation.

the County [would] explore all legal options available to protect staff and citizens conducting legitimate County business." We cannot say that such a statement amounted to improperly discouraging the public (specifically, the Complainant) from attending a meeting, in violation of the Act.

We turn then to the Complainant's second allegation: that the April 8 letter, purporting to ban him from attending County Board meetings in person for a period of six months, violated the Act.

Under the Act, "the general public is entitled to attend" any open sessions of a public body. § 3-303(a).[14] But a public body may remove an individual "if the presiding officer determines that the behavior of an individual is disrupting an open session." §3-303(c). "We have rarely addressed the removal language in § 3-303(c)." 18 *OMCB Opinions* 70, 73 (2024); *see also* 12 *OMCB Opinions* 108, 110 (2018) (indicating that the provision would apply to someone objecting "disruptively" to a meeting closure); 8 *OMCB Opinions* 128, 133 (2013) (indicating that the provision would authorize a presiding officer to ask someone to move if they were recording the meeting in a disruptive manner). "But we have said that this provision 'strikes a balance between, on the one hand, the public's right to observe public business, and, on the other hand, a public body's right to conduct that business free of disruption by members of the public.'" 18 *OMCB Opinions* 205, 206 (2025) (quoting 16 *OMCB Opinions* 133, 139 (2022)). "We have also recognized that '[a] public body has unquestioned power to prohibit any disturbance at its meetings.'" 18 *OMCB Opinions* 205, 206 (2024) (quoting 5 *OMCB Opinions* 154, 158 (2007) (some internal quotation marks omitted)).

Here, we do not understand the Complainant to be challenging his removal from the April 8 meeting at which he exposed his buttocks then argued with the Board President about whether he was disrupting the meeting. Rather, we take the Complainant's grievance to be that the County Board violated the Act by banning him from attending future meetings in person. He emphasizes that the Act refers only to removal from "*an* open session" (emphasis added), and he asserts that banning him from "subsequent meetings" would "constitute an anticipatory breach of decorum."

We have not previously confronted the question here: whether the Act permits a public body to ban an individual from attending a meeting in person based on the individual's past disruptive behavior. But, for the reasons below, we conclude that the Act did not permit the County Board to ban the Complainant from future meetings.

We begin with the plain language of the Act. *See, e.g.*, *Lockshin v. Semsker*, 412 Md. 257, 274-75 (2010) (recognizing that "[t]he cardinal rule of statutory interpretation is

[14] Statutory references are to the General Provisions Article of the Maryland Annotated Code.

to ascertain and effectuate the real and actual intent of the Legislature" by first examining "the normal, plain meaning of the language of the statute"). As noted above, § 3-303(c)(1) says, "If the presiding officer determines that the behavior of an individual *is* disrupting an open session, the public body may have the individual removed." § 3-303(c)(1) (emphasis added). We note first that the statute talks of *removal*, not prohibiting someone from *entering* a meeting. The word "remove" means "to change location," "move," or "get rid of," *see* Merriam-Webster, https://www.merriam-webster.com/dictionary/remove (last visited July 17, 2025), which can only be done to a person who is already present in the meeting to begin with. Second, the statute uses the present tense—referring to an individual who "*is* disrupting an open session," § 3-303(c)(1) (emphasis added)—which indicates that lawmakers intended to authorize public bodies to keep a person out of a meeting only when the person has disrupted that particular meeting.

We draw support for this reading from an opinion of the Delaware Office of the Attorney General, which examined similar statutory language in Delaware's Freedom of Information Act. That statute allows for "the removal of any person from a public meeting who is wilfully and seriously disruptive of the conduct of such meeting." Del. Code Ann. tit. 29, § 10004(d). The Delaware Office of the Attorney General concluded that the language does *not* permit a "public body to exclude a citizen from attending the meeting if it believes that the citizen *may* be disruptive." Del. Op. Att'y Gen. 04-IB15 (2004) (emphasis added). In reaching this conclusion, the office emphasized that the statute uses the present tense of the verb "is." *Id.* Thus, despite a town council's attempts to ban a potentially disruptive citizen from public meetings, the Office found that the statute's present-tense language does not apply "if the public body believes a person might disrupt the meeting." *Id.*

We similarly conclude here that the Act's use of the word "removed" and the use of the present tense mean that a public body may bar someone from a meeting when the person has been disruptive *in that meeting*. But the Act does not authorize a prospective ban based on the belief that a particular person *might be* disruptive in future meetings.

The County Board asserts that it has not violated the Act because the Complainant is not prohibited from remotely observing the Board's meetings, which are livestreamed. To be sure, we have said that the Act's "openness requirement does not mandate, in every instance, that a public body provide precisely the same type of access to every member of the public, regardless of the circumstances." 15 *OMCB Opinions* 91, 93 (2021). "For example, we have found no violation when, because of space limitations, a public body permits some members of the public to observe a meeting from within the hearing room but requires others to listen via loudspeakers outside the room, 13 *OMCB Opinions* 58, 59 (2019), 10 *OMCB Opinions* 18, 19-20 (2016), or to watch a live video feed in an overflow room, 10 *OMCB Opinions* 40, 41-43 (2016)." *Id.* Here, however, the County Board is not excluding the Complainant due to space constraints. And we have previously advised that,

"[g]enerally, if a public body is meeting in person, the public body must accommodate all members of the public who wish to attend in person." 16 *OMCB Opinions* 133, 138-39 (2022); *cf.* 19 *OMCB Opinions* 46, 50 (2025) (concluding that a town council violated the Act by allowing only town residents to attend a meeting in person and requiring all other members of the public to observe the meeting remotely).

The County Board maintains that it has struck an appropriate balance under § 3-303(c)(1). In support of this assertion, the Board cites a 2022 opinion in which we found no violation of the Act when a local school board required an individual to observe a meeting remotely rather than attend in person. 16 *OMCB Opinions* 133, 138 (2022). But in that instance, the individual had been banned from school board property under a provision of the Education Article, not the Open Meetings Act. *Id.* at 136-37. We emphasized that "our opinion should not be read as authorizing in every instance a public body to allow all but one individual to attend a meeting in person." *Id.* at 138. The reason that we found no violation there was because "a statutorily authorized no-trespassing order precluded the [individual] from attending the meeting in person." *Id.* at 139. Deciding whether that order should have been issued was beyond our authority. *Id.* Thus, we "simply conclude[d] that, in light of that order and the [individual's] attendant inability to attend the [school board's] meeting in person, the [b]oard did not violate the Act by requiring the [individual] to observe the meeting via livestream." *Id.* Here, by contrast, the County Board has pointed to no other statutory authority for banning the Complainant from attending meetings in person. And, as noted above, we do not read the Open Meetings Act to provide such authority.

The County Board also cites a 2024 opinion, in which we concluded that, "if a public body removes a large group of people from a meeting room without first determining that each of those individuals was causing a disruption, the body does not violate § 3-303(c) if the body provides meaningful alternative opportunities for the removed individuals to observe the meeting." 18 *OMCB Opinions* 70, 75 (2024). But we think it important to read this statement in context. We said this about a crowded, boisterous meeting in which it might have been "difficult or even impossible . . . for [the] public body to determine exactly who ha[d] caused [the] disruption." *Id.* We thus said that, *under those circumstances*, a public body would not necessarily violate the Act by removing large numbers of people from a meeting, without first determining that each person had caused a disturbance, provided that the body allowed the removed individuals to observe the meeting by another means, such as a livestream. *Id.* And even then, we said nothing about the body having the power to prohibit those same individuals from attending *future* meetings in person.

To summarize, we think the plain language of the Act does not authorize a public body to ban a member of the public from attending future meetings in person even if that individual has been disruptive in past meetings. We thus conclude that the County Board

violated the Act by prospectively banning the Complainant from attending Board meetings in person.

We hasten to add that the Act does not require the County Board to allow the Complainant (or any member of the public) to curse or expose their buttocks during Board meetings. "Although members of the public have the right to *observe* meetings, the Act does not afford the public the right to *participate* in a meeting." 19 *OMCB Opinions* 5, 6 (2025). Thus, as we have often said, a "public body's handling of public comments is simply not within the Act's ambit." 18 *OMCB Opinions* 70, 74 (2024). As such, a public body's decisions regarding if or how members of the public may express themselves are generally not subject to the Act. [15]

Finally, we agree with the Delaware Office of the Attorney General that, "[a] public body is not without a remedy to protect the public safety when it has good reason to believe that a citizen might do harm to persons or property at a public meeting (for example, based on a previous history of disruption or actual threats)." Del. Op. Att'y Gen. 04-IB15 (2004). "If the public body can show an imminent threat of irreparable harm, then it can apply to the courts for a restraining order." *Id.* Alternatively, there may be another statute, apart from the Act, that authorizes a ban of the individual from public property. *See, e.g.*, 16 *OMCB Opinions* at 136-37. We reiterate that our opinion today is merely that the Act itself does not authorize a public body to ban someone from future meetings.

Conclusion

We conclude that the County Board did not violate the Act by warning the Complainant, in the March 20 letter, that the County Board would "explore all legal options" if the Complainant acted in a harassing and offensive manner. We do, however, conclude that the County Board violated the Act by banning the Complainant from attending future meetings.

This Opinion is subject to the acknowledgement and announcement requirements of § 3-211.

Open Meetings Compliance Board
Runako Kumbala Allsopp, Esq.
Lynn Marshall, Esq.

[15] We do not offer any opinion as to whether such decisions would implicate other laws, as "[o]ur authority is limited to interpreting the Open Meetings Act . . . ." 18 *OMCB Opinions* 84, 86 n.6 (2024).

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Docket: 9/2/2025 8:55 PM; Submission: 9/2/2025 8:55 PM
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IN THE CIRCUIT COURT FOR WASHINGTON COUNTY MARYLAND

Shaun Patrick Porter
Counter-Plaintiff, Defendant

Case no.: C-21-CV-25-000161

V.

John Barr
Plaintiff – Counter-Defendant, (Personal Capacity), Et al.

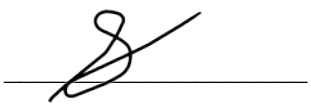
COUNTER PLAINTIFF'S MOTION TO STRIKE "PLAINTIFF'S MOTION TO STRIKE OR IN THE ALTERNATIVE TO DISMISS" AND ""MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUESTFOR ORDER OFDEFAULT ANDMOTION TO STRIKEOR IN THE ALTERNATIVE, MOTION TO DISMISS THE COUNTER-COMPLAINT"

COMES NOW; Counter Plaintiff Shaun Patrick Porter, does hereby move this court to strike untimely filings by Plaintiff /Counter-defendant John Barr in violation of Md. rule 2-321, and in accordance with parameters set forth in Md. rule 2-322.

STATEMENT OF POINTS AND AUTHORITIES

Maryland rules 2-321 clearly lays out a thirty-day response time to counter-complaints. Failure to file a timely response clearly waives the right to respond. Defendant filed these "Motions" outside the required response time. Defendant filed these "Motions" thirty-seven days after service. Besides being served, courtesy copies being emailed, courtesy copies being dropped off at John Barr's office, the local Paper of Record "The Herald Mail" covered this on the front-page July 29th, and FOX 5DC covered this story extensively on multiple primetime Newscasts that even contacted John Barr about the lawsuit and received a "no comment". The court is justified in striking the fillings under Maryland Rule 2-322. Counter-plaintiff/ Defendant will file a timely response to fillings for good measure within the fifteen-day response period in case this morion isn't granted for some unforeseen reason not known to him.

Respectfully Submitted,



Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

CERTIFICATE of SERVICE

I, Shaun Porter, do hereby certify that I have served VIA MDEC all entitled parties, a copy of the foregoing "COUNTER PLAINTIFF'S MOTION TO STRIKE "PLAINTIFF'S MOTION TO STRIKE OR IN ALTERNATIVE TO DISMISS" AND ""MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUESTFOR ORDER OFDEFAULT ANDMOTION TO STRIKEOR IN THE ALTERNATIVE, MOTION TO DISMISS THE COUNTER-COMPLAINT""" on 9/2/2025.

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

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IN THE CIRCUIT COURT FOR WASHINGTON COUNTY MARYLAND

Shaun Patrick Porter
Counter-Plaintiff, Defendant

Case no.: C-21-CV-25-000161

V.

John Barr
Plaintiff – Counter-Defendant, (Personal Capacity), Et al.

COUNTER PLAINTIFF'S OPPOSITION TO "PLAINTIFF'S MOTION TO STRIKE OR IN THE ALTERNATIVE TO DISMISS" AND "MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUESTFOR ORDER OFDEFAULT AND MOTION TO STRIKE OR IN THE ALTERNATIVE, MOTION TO DISMISS THE COUNTER-COMPLAINT"

COMES NOW; Counter Plaintiff Shaun Patrick Porter hereby opposes the above reference inaccurate filing and hereby REQUESTS A HEARING.

INTRODUCTION

Attorney Sarah Spitalnick has filed a document where she testifies to facts outside the record and lies while doing so. There is no affidavit accompanying these "facts' Spitalnick is attempting to get in the record. Counter-Plaintiff is speechless after having read the twelve pages of lies incorrect interpretations. Attorney Spitalnick does not in any way shape or form address her reasons for being late filing her response to counter-complaint. This opposition will go line by line briefly rebutting each statement by Counter-Defendant John Barr, by and through counsel. For the record, "facts" can't be scandalous and what I articulate in my counter-complaint is an entire history of my battle with the county on behalf of my son and my right to free speech and peaceable assembly which John Barr and his counter-defendants stole from me repeatedly.

OPPOSITION TO FALSE INTRODUCTION STATEMENT BY COUNTERDEFENDANT

Attorney Spitalnick contradicts herself claiming claims counterclaim has unsupported opinions, vague and broad lacking specific facts and then complains that it's simultaneously too lengthy and has 235 facts. This is the definition of Judicial Estoppel. Spitalnick's claim of bad faith litigation in the 180 case is disproved by her own

filed exhibit of the OMCB ruling exactly what I argued was unconstitutional in the 180 case. The Attorney General for the State of Maryland said that Porter was deprived of his civil rights, which is exactly what I alleged in my countercomplaint. There is no failure to state a claim and that statement is vague and has no specifics to point out for this court.

FACTUAL BACKGROUND ITEM BY ITEM DISPUTE

BOLD=BARR'S FILING REGULAR = RESPONSE

1. On June 11, 2025, Barr filed a Complaint against Porter for defamation, invasion of privacy, and intentional infliction of emotional distress, arising from Porter's public display of a sign falsely accusing Barr of incest with his late mother.

1. The Sign in the initial complaint was a parody of famous U.S. Supreme Court case law Hustler Magazine Inc. v. Falwell and even if a person were not to understand the parody of the famous ad from that case, they still viewed it as a joke and no reasonable person could take it as being meant to literally represent a reporter speaking with a public figure actually discussing their first time having sex, let alone in an outhouse, let alone with his mother, let alone in a state he had never been too, let alone while "Jeff Cline Wasted" on expensive Campari Liquor from Italy, while in said "outhouse".

2. On May 9, 2025, Porter filed a Motion to Dismiss ("MTD") Barr's Complaint under Maryland's anti-SLAPP statute (§ 5-807), arguing the suit was politically motivated to silence his protected speech.

1. The lawsuit was politically motivated, and that cease-and-desist letter literally stated if Porter stops his "defamatory behavior" no further legal action would be taken. A sign isn't behavior, speaking and

mooning is, proving the true intent was to stop my speaking and mooning (first amendment activities). This letter is already in record.

3. The Motion to Dismiss was denied in its entirety, finding the suit was not political and had merit. There was no finding of fact that the sign or the suit wasn't political, and his honor hadn't been exposed to all relevant facts until this counter-complaint.

2. His Honor said a Motion for Summary judgement was premature, but he would consider it after we get a little discovery, indicating he wanted to be sure the facts were the facts.

4. During the anti-SLAPP MTD Hearing, Porter requested a stay of the case until September 2025 due to his unavailability, and Barr consented on the record, agreeing not to further litigation until September 2025.

4. There was no stay of the case requested. Counter Plaintiff simply asked for depositions to be held off until September when Maryland School for the deaf resumed classes during the day. I filed this countercomplaint late the night before the deadline while my son slept.

5. Porter expressed that his unavailability was due to his disabled son not being in school and needing extra attention.

5. Porter has not been employed in years and takes care of his child when his mother is working.

6. Despite this, Porter filed the Counter-Complaint in July 2025, violating the agreement he requested.

6. Porter was required to file the counterclaim within 30 days of the answer being filed. Porter was following the rules. This counterclaim was required to bring in all the facts required to defend against this frivolous

lawsuit and to fully litigate his claims without being subject to re-judicata or claim splitting while seeking justice for what John Barr and his fellow Republican did to him.

7. The Counter-Complaint alleges defamation per se, abuse of process, false light, and § 1983 violations, seeking $90 million, $1 million, $1 million, and $11 million, respectively. It includes 235 vague factual allegations, many inflammatory, harassing, and jovial.

7. The facts are inflammatory on their own. There is no rule against being jovial.

8. Porter has a history of bad-faith litigation, including sanctions in the Shaun Porter et al, v. Washington County Board of County Commissioners; C-21-cv-25-000180 ("180") suit for harassing WCBOCC counsel, baseless joinder attempts, and a denied MSJ against a non-party. This Court previously warned Porter if he does not cease harassing opposing parties and their counsels' further sanctions could be imposed and that Porter is to treat this case with the seriousness it requires, which he violated.

8. Spitalnick is claiming that filing a countercomplaint is harassment. It is not. I'd have rather not been thrown out of public meetings on live tv nine times or being called a trespasser in front of thousands of people, yet here we are. VICTIM BLAMING

9. The Counter-Complaint overlaps with the prior 180 suit, that was dismissed without prejudice after Justin Holder (Co-Plaintiff)'s dismissal and sanctions imposed on Porter and Justin Holder.

9. Dismissed without prejudice means it can be refiled. Spitalnick's claim of overlap is meaningless. The Attorney General literally did our job for us in the 180 case by ruling the trespass was illegal and deprived me of my civil rights as his honor already knew. Spitalnick is lying to the court claiming that sanctions

were imposed on myself and Justin Holder, which is untrue. Sanctions were ordered against Defendant's which was the Washington County Board of County Commissioners in favor of John Barr. We still don't know if Barr was ever paid by the County.

10. The Compliance Board's Opinion (July 17, 2025) found ejections legal for disruptive conduct, invalidating only the no-trespass order.

10. The no trespassing order is the whole case. Spitalnick foolishly admits my claims. I was thrown out and called a criminal 9 times and denied entrance to a total of 11 meetings. Counter-Plaintiff is not suing for being removed for disturbance. That was on purpose. I am suing for illegally being removed for trespass, so Counter-Plaintiff doesn't have to explain to a Jury why being removed for pulling my pants down is protected free speech when down to express a political opinion artistically. Instead Counter-Plaintiff was just sitting there doing nothing and ordered out by John Barr as he called me or implied that Counter-Plaintiff was a criminal. Sarah Spitalnick and Jonathan Gross told John Barr he could trespass me from public property into the future with no active disruption. This is in violation of State law and the First Amendment right to peaceable assembly. They are both guilty of legal malpractice.

11. No incidents have occurred regarding Porter's allegations regarding the Compliance Board's Opinion post-July 17, 2025.

11. Spitalnick is lying again. Counter-Plaintiff was kicked out twice on August 26th, 2025. The first time Counter Plaintiff was given three minutes to speak about accessory dwelling units during a public hearing that is required by law. John couldn't stop me. Counter-Plaintiff spoke in favor of the new policy and then with forty seconds remaining, pulled down my pants to express political dissatisfaction in the fact that

John Barr sucked, Counter-Plaintiff then re-entered the meeting later in the day walking down the isle giving John Barr the middle finger and he asked me to leave for the entire meeting which I did.

12. During the MTD Hearing, this Court warned Porter that if he did not cease his inappropriate conduct that sanctions could be imposed.

12. The court doesn't sanction pro se victims for being emotional while being forced into civil litigation with Plaintiff having no chance of recovering a penny from the target of the frivolous litigation over a sign the victim doesn't even own.

LEGAL STANDARD

Sanctions

The court doesn't issue sanctions against people declared as victims by the Attorney General of the State of Maryland. Counter-Defendant has the right to access the court. Threatening a man with no income or assets that he may owe money which he can't repay is an extreme act of bullying on behalf of the biggest bully in Washington County, John Barr.

Default Judgement

John Barr, by and through his attorney, has given no reason as to the late filing. They have no chance of winning the counter claim. The Attorney General already ruled that these bad acts occurred and John Is the man who committed them. I'll move for summary judgement shortly as well as another motion to dismiss the initial complaint for failure to join the most responsible party without which the sign would never have been created. The deadline set forth by His Honor was September 1,2025. A guy with no job assets, or even a car, doesn't buy custom printing. John Barr saw Justin Holder holding the sign at Maryland Association of Counties convention in Ocen City Maryland. Governor Wes Moore had to use

a side entrance to avoid our group at the main entrance. Nobody thought the sign was a true dissemination of facts. People were appalled at the sign explaining how Barr used the rules of decorum to arrest Curtis Reigh for asking Barr to resign and for his child molestation allegations from the Circuit Court record should be fully investigated. (drafted by the man who filed this lawsuit and defended by the woman litigating it)

Motion to Strike

Please see the First Amendment.

Failure to State A Claim

As Spitalnick already complained, there are 235 facts, and an Attorney General has already ruled that the causes of actions I articulate occurred. The damages for Defamation Per Se have already been set at $10,000,000 per occurrence by Sarah Spitalnick who argued on June 12th on the record that there was case law in Maryland to support that price.

Bad Faith and Unjustified Conduct

Again, in a true act of desperation, knowing she is going to lose her initial complaint and counter-complaint, Spitalnick threatens an unemployed father of a disabled child. The Jury is going to love her. I have never threatened this woman, and she provides no evidence. The only person who should be sanctioned is the person with a hard to pronounce last name, and I don't mean His Honor.

Maryland Rule on Counterclaims

These events happened within hours of each other in some cases. All events are each a link in the chain of causation. They arise from the same facts. Counter plaintiff would have to plead in all necessary parties, otherwise the counter- claim could get tossed. Counter Plaintiff needs to be mindful of res-judicata and not use facts without other responsible parties being added or possibly be precluded from

ever using those facts in another case. Counter Plaintiff has an affidavit in the record that the court can take judicial note of, where witness Heather Vickers was told by Barr that the initial lawsuit was filed because the unlawful peace orders from the day before didn't work. Heather Vickers was given John Barr's allegedly top secret cell phone number when he didn't even know who he was emailing other than the fact it was a member of the public discussing county business on a phone he lied to the court about using only for personal business. John Barr's attorney's knew the invasion of privacy claim was false and a simple google search of his cell phone number shows pages of listings of companies displaying the same number Porter is being sued for allegedly publishing.

Argument Response

There was no stay on required filings. The claims against the co-defendants have not thing one to do with Barr getting dismissed. The delays have harmed Porter by screwing up which will become an impossible schedule in order to keep our May Jury Trial which will likely need to moved and expanded to five days from two point five. I DID NOT GET PAID A SINGLE PENNY FOR GETTING HUMILIATED IN FRONT OF PEOPLE I DON'T KNOW AND BROADCASTED ON THE COUNTIES SOCIAL MEDIA PAGES. Spitalnick just made that up!!!!!! Defamation Per se does not require being called a violent criminal. Barr is suing for a joke about a dude sleeping with his mother. Thats not violent crime either. The court has never once tried to silence my free speech when describing what happened in this case. I would remind Ms. Spitalnick that I have a right to free speech and that I AM NOT A LAWYER AND I DIDN'T ASK TO BE SUED OR HAVE MY FREE SPEECH SILENCED AT PUBLIC MEETINGS!!!!! In regard to "lacking evidence" I have no obligation to put everything I have in the Countercomplaint. I believe the court can see the forest through the trees. I will pack the halls with sequestered witnesses and fellow victims to give relevant testimony to prove my claims and hours of video to back up every

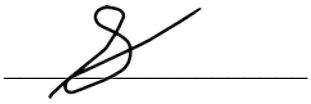
allegation. John Barr has terminated all public comments since he arrested Curtis Reigh. We had our first Hearing on August 26th where we were allowed to speak only on hearing subject, and I was thrown out twice as was Curtis Reigh simply for stating that he hated this Bill almost as much as getting arrested for free speech. Barr then cleared the gallery and banned Curtis Reigh from the meeting. This whole case is on court transcript and high-definition video. The court now sees the whole picture which I hadn't presented previously. I should inform the court that Sarah Spitalnick failed to notify John Barr's Director's and Officer's insurance carrier in order to assure coverage in case Barr loses. Her filling this MTD without their knowledge likely voids his coverage and is grounds for a legal malpractice case for Barr when he loses.

CONCLUSION

The court is supposed to interpret self-represented individuals' pleadings as widely and as liberally as possible. I have the fact set and the evidence to be victorious. There is no jury who will side with that monster John Barr. NONE. The court should schedule a hearing for this matter as soon as possible so that Counter-Defendant's motion can be denied.

VERIFICATION

I Shaun Porter, do hereby swear, under the penalty of perjury, under personal knowledge, that everything in this foregoing motion is true



Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

CERTIFICATE of SERVICE

I, Shaun Porter, do hereby certify that I have served VIA MDEC all entitled parties, a copy of the foregoing COUNTER PLAINTIFF'S OPPOSITION TO "PLAINTIFF'S MOTION TO STRIKE OR IN THE ALTERNATIVE TO DISMISS" AND "MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S REQUESTFOR ORDER OFDEFAULT AND MOTION TO STRIKE OR IN THE ALTERNATIVE, MOTION TO DISMISS THE COUNTER-COMPLAINT" on 9/3/2025.

Shaun Porter, *Pro se*

Defendant/Counter-Plaintiff/Plaintiff

6583 Edgewood Rd, New Market, MD 21774

shaunporter@usa.com 202-830-8048

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C- 03-FM-22- 005009

LINE OF APPEARANCE

Please enter the appearance of Sarah Spitalnick, Esq. as counsel for the Defendant in the above-captioned matter.

Respectfully submitted,

Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#:
sarahspitalnickesq@gmail.com
Counsel for the Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information, or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633

IN THE CIRCUIT COURT FOR Baltimore County
(City/County)

CIVIL - DOMESTIC CASE INFORMATION REPORT

DIRECTIONS

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Justice of the Supreme Court of Maryland pursuant to Rule 2-111(a).

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: ☐ PLAINTIFF ☒ DEFENDANT CASE NUMBER C-03-FM-22- 005009 (Clerk to insert)

CASE NAME: Meghan Maggio (Plaintiff) vs. Blake Hadel (Defendant)

PARTY'S NAME: Blake Hadel PHONE: (443) 695-6990

PARTY'S ADDRESS: 4050 Beach Rd Dundalk Maryland 21222

PARTY'S E-MAIL: blh11@live.com

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Sarah Spitalnick Esq. PHONE: (484) 332-0454

PARTY'S ATTORNEY'S ADDRESS: 2833 Smith Ave., Suite 331 Baltimore Maryland 21209

PARTY'S ATTORNEY'S E-MAIL: sarahspitalnickesq@gmail.com

☐ I am not represented by an attorney

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known:

PLEADING TYPE

New Case: ☐ Original

Existing Case: ☒ Post-Judgment ☐ Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Issues section.

SPECIAL REQUIREMENTS

☐ Spoken Language Interpreter - **Attach form CC-DC-041**

☐ If you require an accommodation for a disability under the Americans with Disabilities Act - **Attach form CC-DC-049**

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☒ Yes ☐ No

B. Arbitration ☐ Yes ☒ No

C. Settlement Conference ☒ Yes ☐ No

D. Neutral Evaluation ☐ Yes ☒ No

If no, explain why:

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (*Check one box.*)

Domestic Family
- ☐ Alimony/Spousal Support
- ☐ Annulment
- ☐ Breach
- ☐ Child Support - Private
- ☐ Custody
- ☐ Divorce
- ☐ Emancipation
- ☐ Enforce Foreign Order
- ☐ Family Legal/Medical
- ☐ Paternity/Parentage
- ☐ Recognition as Legal Child
- ☐ Visitation

Agency/IV-D
- ☐ Child Support
- ☐ Paternity/Parentage
- ☐ UIFSA

Adoption
- ☐ Adoption - Independent
- ☐ Adoption - Private Agency

Change of Name
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor

Guardianship
- ☐ Guardianship of Adult Person and/or Property
- ☐ Guardianship of Minor Person and/or Property

Independent Proceedings
- ☐ Amend Birth Certificate
- ☐ Change of Sex
- ☐ Correct Death Certificate
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Amend Marriage Certificate

IF NEW OR EXISTING CASE: ISSUES (Check All that Apply)

- ☐ Adoption
- ☐ Alimony/Spousal Support
  - ☐ Permanent
  - ☐ Rehabilitative
- ☐ Amend Birth Certificate
- ☐ Amend Death Certificate
- ☐ Amend Marriage Certificate
- ☐ Annulment
- ☐ Asset Determination
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Name
  - ☐ Adult
  - ☐ Minor
- ☐ Change of Sex
- ☒ Child Support
- ☐ Contempt
- ☐ Court Costs/Fees
- ☒ Custody
- ☐ Declare Deceased
- ☐ Dispose Body
- ☐ Divorce
- ☐ Earnings Withholding
- ☐ Emancipation
- ☐ Enforcement
- ☐ Exceptions
- ☐ Family Legal/Medical
- ☐ Gdnshp of Adult
  - ☐ Person
  - ☐ Property
- ☐ Gdnshp of Minor
  - ☐ Person
- ☐ Property
- ☐ Paternity/Parentage
- ☐ Pension Distribution
- ☐ Property Distribution
- ☐ Protective Order
- ☐ Register Foreign Order
- ☐ Restore Former Name
- ☐ Termination of Gdnshp
- ☐ Transaction Review
- ☐ Use and Possession
- ☒ Visitation

ESTIMATED LENGTH OF HEARING

(Case will be tracked accordingly.)

Time estimate for a Merits Hearing: 7 Hours 1 Days

Time estimate for hearing other than a Merits Hearing: 4 Hours 1 Days

OTHER MATTERS

IS THIS CASE CONTESTED? ☒ Yes ☐ No If yes, which issues appear to be contested?

- ☐ Ground for divorce
- ☒ Child Custody ☒ Visitation
- ☒ Child Support
- ☐ Alimony ☐ Permanent ☐ Rehabilitative
- ☐ Use and possession of family home and property
- ☐ Marital property issues involving:
  - ☐ Valuation of business ☐ Pensions ☐ Bank account/IRA's ☐ Real Property
  - ☐ Other:
- ☐ Paternity
- ☐ Adoption/termination of parental rights
- ☐ Other:

Request is made for: ☐ Initial Order ☒ Modification ☐ Contempt ☐ Divorce

For non-custody/visitation issues, do you intend to request:

☐ Court-appointed expert (name field) ☐ Initial conference with the court

☐ Mediation by a court-sponsored settlement program ☐ Other:

For custody/visitation issues, do you intend to request:

- ☐ Mediation by a private mediator
- ☒ Evaluation by mental health professional
- ☐ Other Evaluation
- ☐ Appointment of counsel to represent child (not just to waive psychiatric privilege)
- ☐ A conference with the court

Is there an allegation of physical or sexual abuse of party or child? ☐ Yes ☐ No

11/27/2023
Date

23 Walker Ave Suite 207
Address

Baltimore MD 21208
City State Zip Code

Signature of Counsel / Party 2311290138
Attorney Number

Sarah Spitalnick
Printed Name

E-FILED; Baltimore County Circuit Court
Docket: 11/30/2023 3:36 PM; Submission: 11/30/2023 3:36 PM
Envelope: 14672633
Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

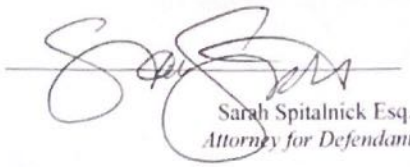
I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted info1mation, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2023 a copy of the foregoing Petition to Modify Custody and Child Support, Civil Domestic Case Information Report, Notice of Restricted Information, Line of Appearance, and Financial Statement was sent via first class, postage prepaid U.S. Mail to:

Meghan Maggio
7295 Jenna Drive
Marriotsville, Maryland 21104



Sarah Spitalnick Esq.
Attorney for Defendant

Exhibit A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

Exhibit B

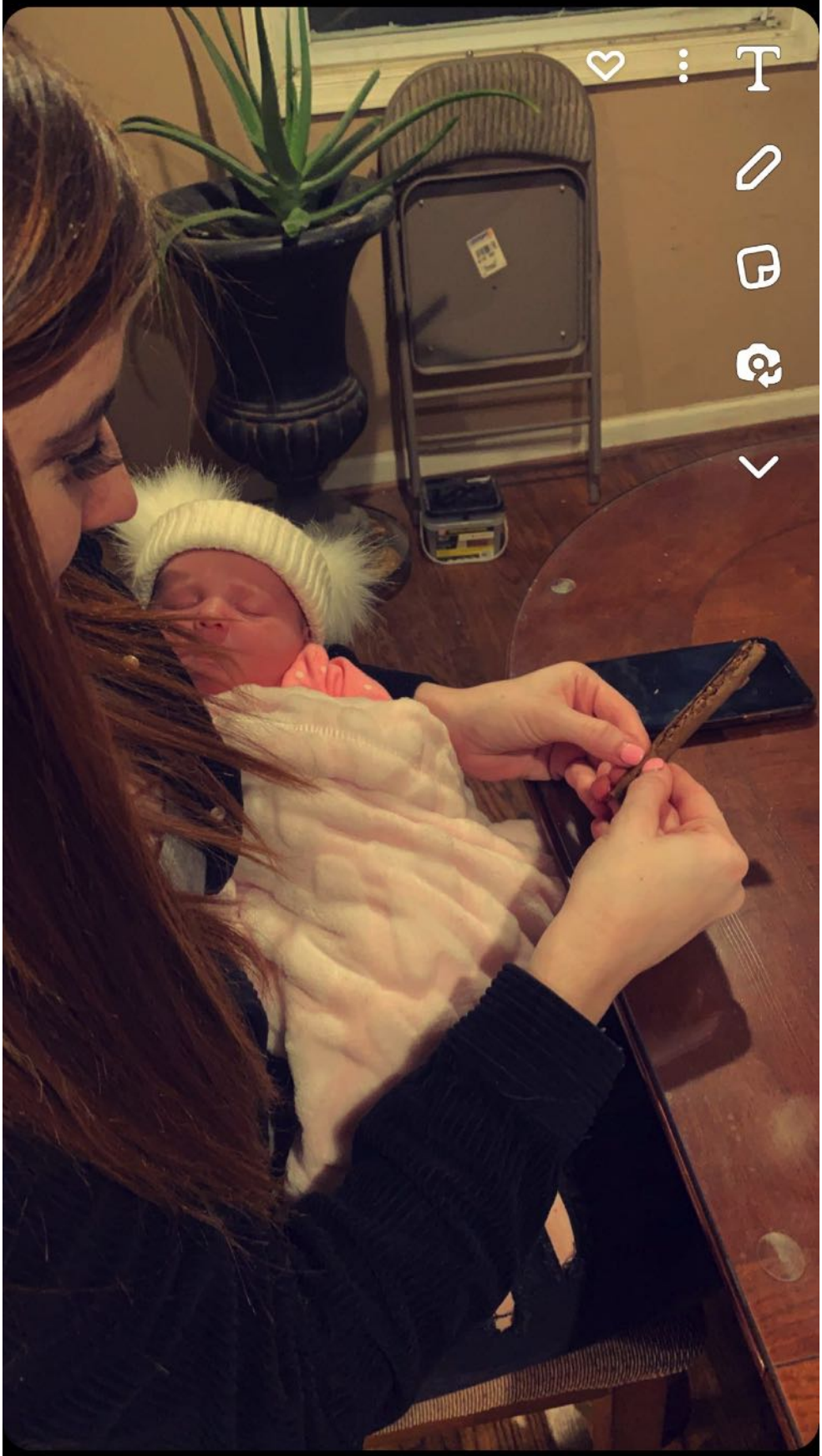

8:23
Story
Send To

Exhibit C

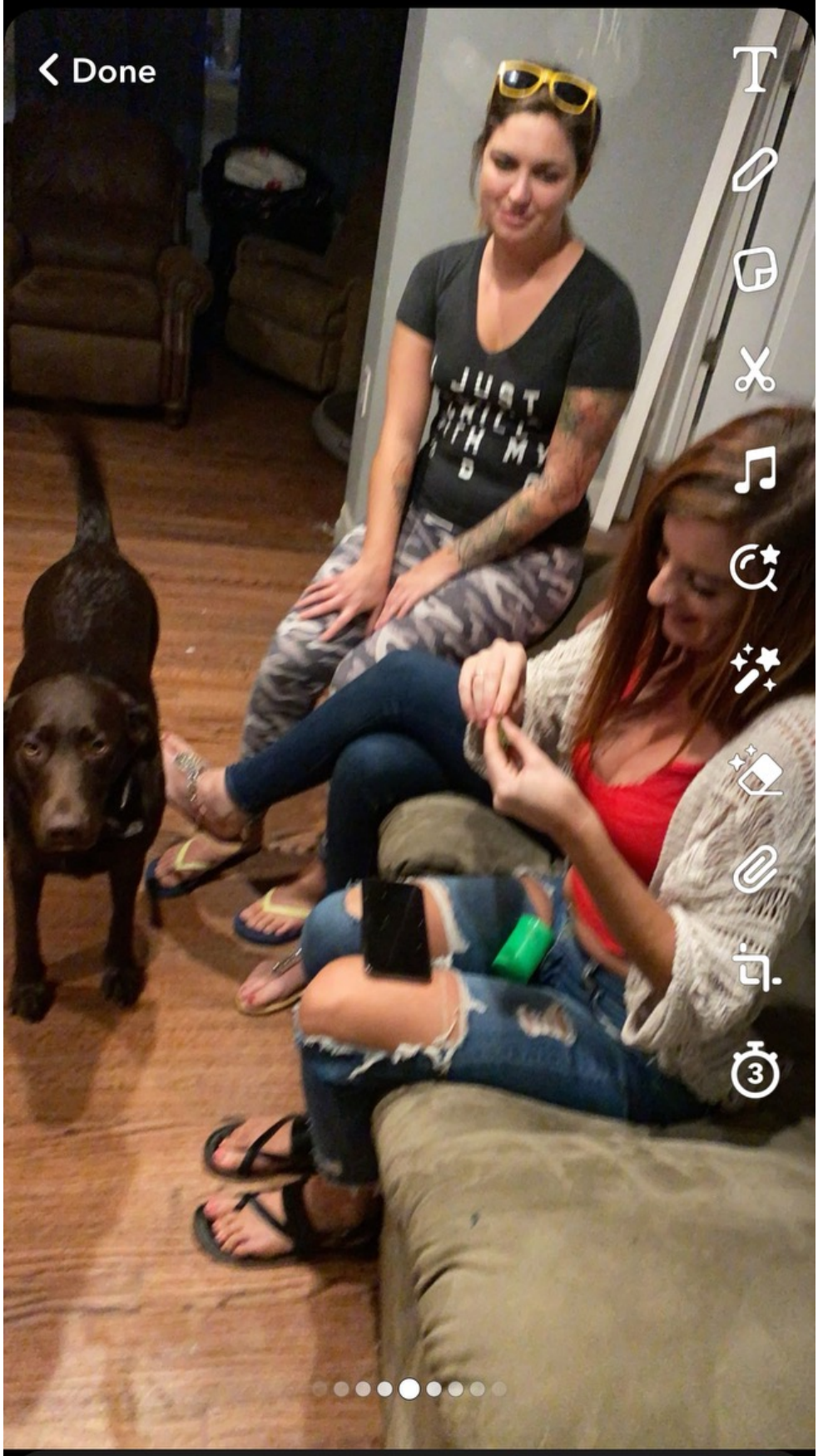

Done
JUST
Story
Send To

Exhibit D

MEGHAN MAGGIO,	)	IN THE
Plaintiff	)	CIRCUIT COURT
v.	)	FOR
BLAKE HADEL,	)	BALTIMORE COUNTY
Defendant	)	Case No: C-03-FM-22- 005009

DECLARATIOIN OF BRENDA HADEL

I, Brenda Hopka- Hadel, the undersigned do swear and affirm under the penalty of perjury that I have voluntarily allowed and will allow my son, Blake Hadel, and his minor daughter, Sofia Lynn Hadel, to reside with me at my home when Blake has custody of Sofia. I have a bedroom in my home designated specially for Sofia and her needs. My home is suitable for Sofia to reside in while under the custody of Blake. I intend to allow Blake and Sofia to reside at my home indefinitely.

Blake is a good and responsible father to Sofia. Blake not having any custody of Sofia has been hard not only on him but also on me and my family. Me and my family want to build a relationship with Sofia so that she can have a relationship with both sides of her family.

11-19-23

Date

Brenda Hopka-Hadel

Brenda Hopka-Hadel

6715 German Hill Road

Baltimore MD, 21222

Exhibit E

I think being a father figure is different than you trying to find every reason to try to get near me when I don't want to be around you. think we need a clear court order to establish boundaries and a schedule that we both agree to to share custody. You also have to figure out if I'm a danger to the kid or not. because if you want co parenting so bad but yet your court document of what you said is trying to make me look like violent drug addict who can't be trusted with a child. So you're contradicting yourself.

Read 1:24 PM

Asking for your help in a time of need is very different than deciding on a custody schedule right now blake. This is about your daughters needs and health.

You're acting like I want to be around you. I literally just want some help considering it's not very healthy for me to be running on 2 hours of sleep the past two days and looking at another 2 hours or less of sleep again this evening. With the unknown factor that we may be hospitalized tonight due to her not progressing on the medicine she's been given actually quite declining worse

Exhibit F

account which is you.
Stop getting your ego up thinking I want to speak to you. It's in regards to your daughters HEALTH

Yesterday 5:03 PM

If I work it out with your mom this weekend to get Sofia either Saturday or Sunday for a couple hours can you visit her?

If we want to proceed with having an order changed we need to start by building that relationship back with Sofia. I find it very important

A response would be nice

Yesterday 8:37 PM

Blake it would be nice to coparent the right way... It's an easy yes or no question along with discussion a day that works best for us both.

Discussing*

Today 2:16 PM

Your daughter is getting a haircut at your moms salon Saturday at 9am, if you'd like to come by and see her.

You can sign your packet there if you'd like

Exhibit G

your daughter you never respond. 🤡

Yesterday 8:11 AM

4 Photos

Today 4:12 PM

Enjoy your vacation, glad you can make time to vacay instead of seeing your daughter

Sounds like we don't need to change to change child support. You can afford it

You missed last months payment as well as this months fyi.

Exhibit H

10:51

megaaa_licious 12h

Send Message

Exhibit I

8:20

5G

Find related content

Search

See you in child support court sweetie 🤡😘

42

6

1

8

Repost

Meghan Maggio · 1-27

Momma can't get you out of this one hunnayyyyy 🙈🫠🤣 #deadbeatdads #noshame #notstayingsilent #standingupformyself

less

♫ Anybody (feat. Nicki Minaj) - @Young Th...

Add comment...

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Entry of Appearance 11/30/23.**

☐ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☒ The submission does not have the filer's address, e-mail address, telephone number, or the **attorney's identifying Attorney Number** registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 12/1/2023 with envelope 14672633.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____

Date Judge

cc:

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Petition to Modify Child Support and Custody 11/30/23.**

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☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

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☒ The submission does not have the filer's address, e-mail address, telephone number, or the **attorney's identifying Attorney Number** registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

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☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

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☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

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☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 12/1/2023 with envelope 14672633.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____

Date Judge

cc:

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).

☒ The submission contains ☒ one document ☐ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1). **Notice was filed but Title of Confidential Submission line was left blank.**

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☐ The filing includes a request to place a document included in the submission under court seal and does not contain either an existing order or an attached motion and proposed order. (Md. Rule 20-203(f)(3).
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Julie L. Ensor
Clerk of the Circuit Court

E-SERVED Baltimore County Circuit Court 12/1/2023 11:33 AM System SystemEnvelope:14682419
E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 11:33 AM; Submission: 12/1/2023 11:33 AM
Envelope: 14682419

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
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To: SARAH SPITALNICK

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Date Judge

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E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 11:33 AM; Submission: 12/1/2023 11:33 AM
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CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 12/1/2023

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401 Bosley Avenue, P.O. Box 6754
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Case Number: C-03-FM-22-005009
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To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

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Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 12:26 PM; Submission: 12/1/2023 12:26 PM
Envelope: 14683415

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

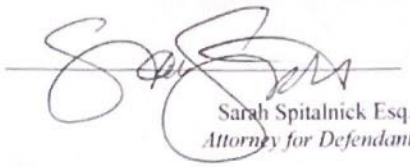
I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2023 a copy of the foregoing Petition to Modify Custody and Child Support, Civil Domestic Case Information Report, Notice of Restricted Information, Line of Appearance, and Financial Statement was sent via first class, postage prepaid U.S. Mail to:

Meghan Maggio
7295 Jenna Drive
Marriotsville, Maryland 21104



Sarah Spitalnick Esq.
Attorney for Defendant

E-FILED; Baltimore County Circuit Court
Docket: 12/1/2023 12:26 PM; Submission: 12/1/2023 12:26 PM
Envelope: 14683415

Exhibit A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

Exhibit B

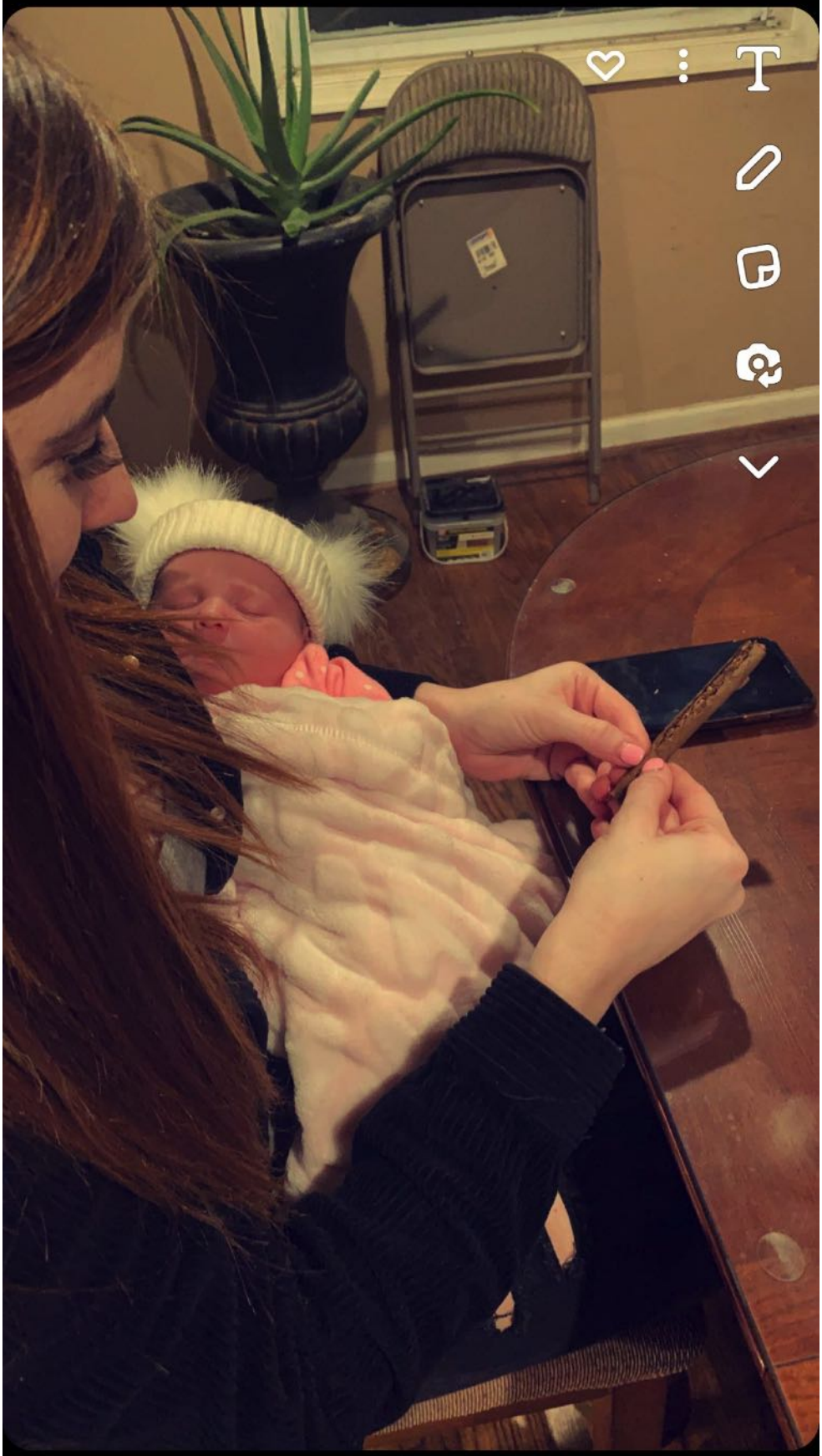

8:23
Story
Send To

Exhibit C

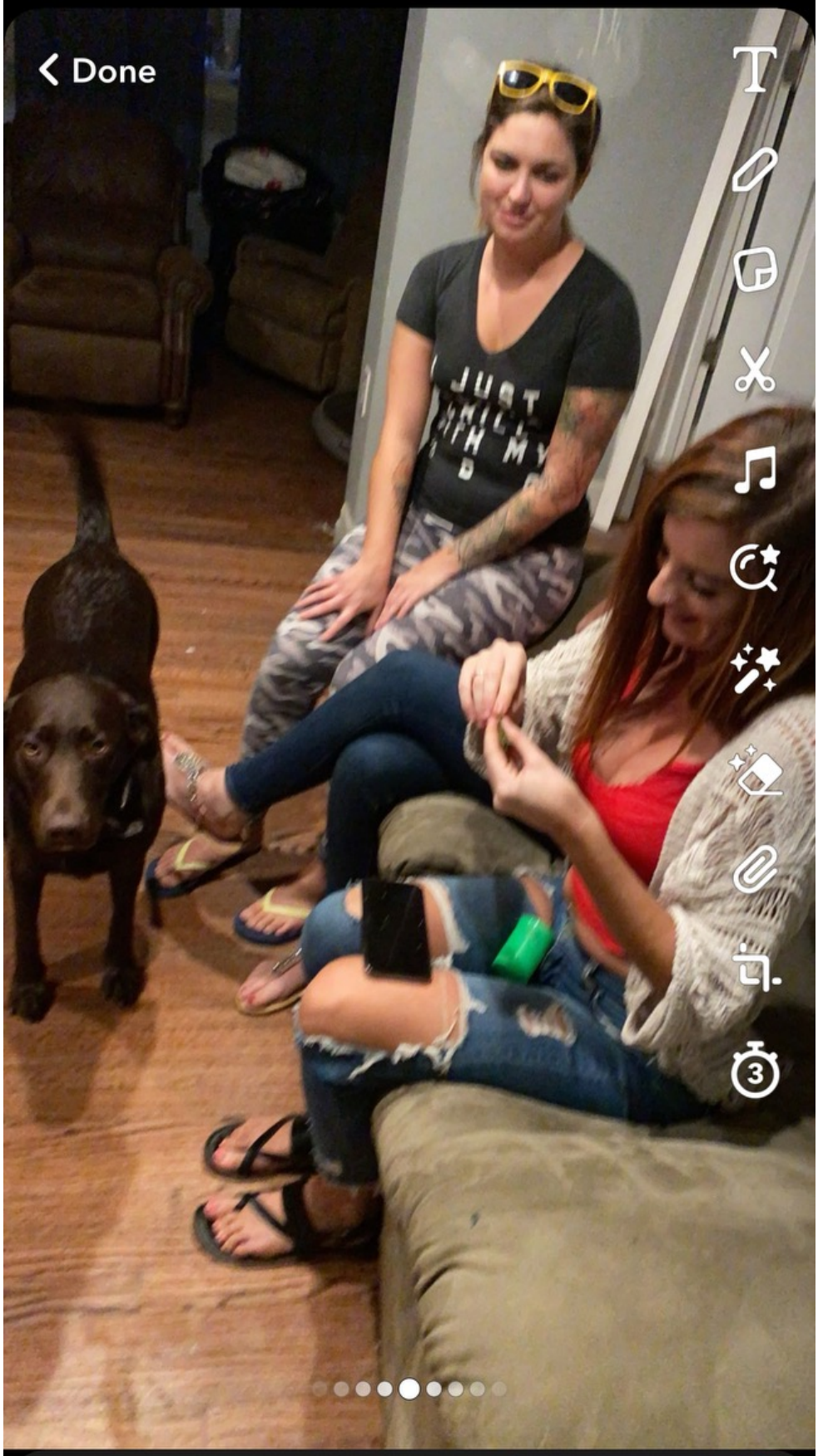

Done
JUST
Story
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Exhibit D

MEGHAN MAGGIO,	)	IN THE
Plaintiff	)	CIRCUIT COURT
v.	)	FOR
BLAKE HADEL,	)	BALTIMORE COUNTY
Defendant	)	Case No: C-03-FM-22- 005009

DECLARATIOIN OF BRENDA HADEL

I, Brenda Hopka- Hadel, the undersigned do swear and affirm under the penalty of perjury that I have voluntarily allowed and will allow my son, Blake Hadel, and his minor daughter, Sofia Lynn Hadel, to reside with me at my home when Blake has custody of Sofia. I have a bedroom in my home designated specially for Sofia and her needs. My home is suitable for Sofia to reside in while under the custody of Blake. I intend to allow Blake and Sofia to reside at my home indefinitely.

Blake is a good and responsible father to Sofia. Blake not having any custody of Sofia has been hard not only on him but also on me and my family. Me and my family want to build a relationship with Sofia so that she can have a relationship with both sides of her family.

11-19-23

Date

Brenda Hopka-Hadel

Brenda Hopka-Hadel

6715 German Hill Road

Baltimore MD, 21222

Exhibit E

I think being a father figure is different than you trying to find every reason to try to get near me when I don't want to be around you. think we need a clear court order to establish boundaries and a schedule that we both agree to to share custody. You also have to figure out if I'm a danger to the kid or not. because if you want co parenting so bad but yet your court document of what you said is trying to make me look like violent drug addict who can't be trusted with a child. So you're contradicting yourself.

Read 1:24 PM

Asking for your help in a time of need is very different than deciding on a custody schedule right now blake. This is about your daughters needs and health.

You're acting like I want to be around you. I literally just want some help considering it's not very healthy for me to be running on 2 hours of sleep the past two days and looking at another 2 hours or less of sleep again this evening. With the unknown factor that we may be hospitalized tonight due to her not progressing on the medicine she's been given actually quite declining worse

Exhibit F

account which is you.
Stop getting your ego up thinking I want to speak to you. It's in regards to your daughters HEALTH

Yesterday 5:03 PM

If I work it out with your mom this weekend to get Sofia either Saturday or Sunday for a couple hours can you visit her?

If we want to proceed with having an order changed we need to start by building that relationship back with Sofia. I find it very important

A response would be nice

Yesterday 8:37 PM

Blake it would be nice to coparent the right way... It's an easy yes or no question along with discussion a day that works best for us both.

Discussing*

Today 2:16 PM

Your daughter is getting a haircut at your moms salon Saturday at 9am, if you'd like to come by and see her.

You can sign your packet there if you'd like

Exhibit G

your daughter you never respond. 🤡

Yesterday 8:11 AM

4 Photos

Today 4:12 PM

Enjoy your vacation, glad you can make time to vacay instead of seeing your daughter

Sounds like we don't need to change to change child support. You can afford it

You missed last months payment as well as this months fyi.

Exhibit H

10:51

megaaa_licious 12h

Send Message

Exhibit I

8:20

5G

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See you in child support court sweetie 🤡😘

42

6

1

8

Repost

Meghan Maggio · 1-27

Momma can't get you out of this one hunnayyyyy 🙈🫠🤣 #deadbeatdads #noshame #notstayingsilent #standingupformyself

less

♫ Anybody (feat. Nicki Minaj) - @Young Th...

Add comment...

E-FILED; Baltimore County Circuit Court
Docket: 1/4/2024 12:49 PM; Submission: 1/4/2024 12:49 PM
Envelope: 14991333

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS DEFENDANTS PETITION TO MODIFY CHILD SUPPORT AND CHILD CUSTODY

TO THE HONORABLE JUDGE:

Defendant, Blake Hadel, respectfully opposes Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody.

PRELIMINARY STATEMENT

Defendant opposes the Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody (hereinafter "The Petition"). Defendant is specifically opposed to Plaintiff's assertion that Defendant did not meet his burden of proving a material change in circumstance has occurred since the entering of the Original Custody Order dated April 7, 2023, and thus the Petition should be dismissed according to Md. Rule 2-322(b)(2) for failure to state a claim which relief can be granted. According to *Wagner v. Wagner,* to obtain a modification of custody, the moving party must prove that there has been a material change in circumstances. *Wagner v. Wagner*, 109 Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). A material change in circumstance is one which affects the welfare of the child. *Gillespie v. Gillespie*, 206 Md. App 146, 171 (Md. Ct. Spec. App. 2012). "[I]n the more frequent case . . . there will be some evidence of changes which have occurred since the earlier [custody] determination was made. Deciding whether those changes are sufficient to require a change in custody necessarily requires

a consideration of the best interest of the child. Thus, the question of "changed circumstances" may infrequently be a threshold question, but is more often involved in the "best interest" determination…" *Id.* The change in circumstances must have arisen after the original custody hearing to avoid relitigating an issue or allowing a disgruntled parent to modify a fair custody agreement *McCready v. McCready*, 323 Md. 476 (Md. 1991). But "[w]hile custody decrees are never final in Maryland, any reconsideration of a decree should emphasize changes in circumstances which have occurred subsequent to the last court hearing. Even this general statement may be subject to exception in the case of prior facts existing but unknown and not reasonably discoverable at the time of the entry of the original order…" *Id.* at *476, 481-482.*

In this present case, Plaintiff's Motion to Dismiss should be rejected out of hand due to Defendant easily pleading material changes in circumstances that affects the welfare of the child. Defendant plead that he has determined that when he has custody of the Minor Child he will have custody at his mother's home, not his own, which is a change that has occurred subsequent to the April Custody Order. Defendant has also plead bad faith on part of the Plaintiff that could not have been discovered prior to or at the time of the Default hearing in March of 2023. Lastly Defendant has plead that the Custody Order that has been in place since April of 2023, has not been shown to be in the best interest of the Minor Child, mainly that the Defendant has not been able to see or spend time with the Minor Child nearly as much as he was able to before the Order was put in place. In Plaintiff's Motion to Dismiss, Plaintiff has specifically ignored all material changes that were plead in The Petition.

For those reasons, the Court should deny the Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody.

BACKGROUND

Plaintiff, MEGHAN MAGGIO, and Defendant, BLAKE HADEL, have one (1) minor child in common, namely, Sofia Lynn Hadel, born March 2021 ("Minor Child"). From birth to present, Minor Child has primarily resided with Plaintiff at 7295 Jenna Drive, Marriottsville, Maryland 21104. Plaintiff and Minor Child live with Plaintiff's parents and siblings. Minor Child and Plaintiff had previously resided with Defendant on a partial basis. Minor Child has also spent time alone with the Defendant at his residence prior to the Custody Order that went into place in April 2023.

On or about September 9, 2022, Plaintiff filed a Complaint for Custody requesting sole legal and physical custody of the Minor Child, as well as child support.

On or about November 28, 2022, Plaintiff filed a Request for Order of Default. An Order of Default was signed by the Honorable Judge Michael S. Barranco on or about November 28, 2022.

On March 22, 2023, a default hearing was held before Magistrate Farace. At the hearing Plaintiff appeared with her counsel, witness Ms. Kimmett, and gave testimony and produced evidence that led Magistrate Farace to determine that Plaintiff is a fit parent to have sole legal and physical custody of the Minor Child, and that Defendant was an unfit parent. Defendant was not present at the hearing on March 22, 2023.

On or about March 23, 2023, Magistrate Farace issued her Report and Recommendations in which she recommended that it is in the best interest of the child for Plaintiff to have sole legal and primary physical custody of the Minor Child, that visitation between the Minor Child and Defendant shall be determined by the Plaintiff. In addition, due to the lack of information about

the Defendant's income, the Magistrate calculated child support after finding that "Father is capable of at least earning full-time minimum wage which is $2,296.67 a month."

Neither the Defendant nor the Plaintiff filed Exceptions to the Recommendations of the Magistrate in accordance with Maryland Rules 9-208(f). By the time Defendant received the Report and Recommendation, it was already past the deadline in which he could file an objection.

On April 6, 2023, the Honorable Judge Michael J. Finifter signed the final Order, fully adopting the Recommendations of the Magistrate.

On April 20, 2023, Defendant filed a Petition to Modify Custody in which he requested that this Honorable Court modify the existing Custody Order to award him visitation with the Minor Child as well as a change in child support. Defendant filed this Petition to Modify Custody at the behest of the Plaintiff so that they could jointly modify the April Custody Order to reflect the custody arrangement they both agreed to outside of court.

Plaintiff responded to this Petition and filed a Motion to Dismiss which was granted by the Honorable Judge Battista on June 21, 2023.

On or about July 25, 2023, Plaintiff filed a Petition for Contempt for non-payment of child support.

On or about September 29,2023, almost two months after Plaintiff filed her Petition for Contempt, the court ordered that Plaintiff had twenty days from September 29, 2023, to serve Defendant with the Petition for Contempt.

On or about October 24, 2023, the court dismissed Plaintiff's Petition for Contempt due to lack of service and closed the case.

On or about December 1, 2023, Defendant filed a second Petition to Modify Custody and Child Support. Plaintiff was served December 11, 2023. Defendant's Petition to Modify Custody is incorporated by reference, pursuant to Md. Rule 2-303(d).

On or about December 21,2023, Plaintiff filed a Motion to Dismiss Defendant's Petition to Modify Child Support and Child Custody and filed a Memorandum of Law (hereinafter "Memorandum") supporting her Motion to Dismiss. Plaintiff's Motion to Dismiss is incorporated by reference, pursuant to Md. Rule 2-303(d). Within her Memorandum, Plaintiff states that she has "maintained contact with both Defendant and his family concerning the Minor Child. Although the Plaintiff has offered Defendant opportunities for visitation, the Defendant has chosen not to see the child since last Easter which was April 9, 2023." Defendant has not chosen to not see the Minor Child; Plaintiff has made the opportunities for visitation either with little advanced notice or where the visitation would involve the Plaintiff and Defendant being together. Defendant has made it clear to Plaintiff that he does not want to be physically near the Plaintiff due to her prior assault and her constant stalking of him. The only reason Defendant has not seen the Minor Child since April of 2023 was due to the Plaintiff not offering plausible visitation.

Plaintiff has stated in her Memorandum "Plaintiff has made arrangements with Defendant's mother for visitation for the Christmas holiday." Plaintiff did in fact make arrangements for Defendant and Defendant's mother to spend Christmas Eve with the Minor Child. But when Defendant's mother contacted Plaintiff on Christmas Eve to drop off the Minor Child, Plaintiff refused to allow Defendant and/or his mother to have visitation with the Minor Child on Christmas Eve. She stated that due to the Defendant filing a Protective Order against her she no longer will allow the Minor Child to spend time with Defendant or his mother. Plaintiff also stated, "Despite best efforts to co-parent and to encourage a relationship between the Defendant and Minor Child,

Defendant remains focused on defaming Plaintiff and reducing child support." As seen on Christmas Eve, Plaintiff has not made her best efforts in co-parenting or encouraging a relationship with the Minor Child. Defendant has repeatedly requested the Plaintiff to give earlier notice of possible visitation, have visitation where the Defendant and Plaintiff are not together, or have a schedule for visitation not just whenever it's convenient for the Plaintiff. All of which have been ignored by the Plaintiff. Defendant does want to modify the child support, but his main focus is getting shared custody of the Minor Child. Defendant has never engaged this court or filed anything for the purpose of defaming Plaintiff, he is solely focused on gaining shared custody of the Minor Child.

On or about December 12, 2023, Defendant filed a Petition for a Protective Order against Plaintiff based on a physical assault, stalking, and harassment. Defendant was given a temporary protective order that was in effect from December 12, 2023, to December 19, 2023. (District Court for Baltimore County case no. D-08-FM-23-829061)

On or about December 19, 2023, a hearing on the protective order was held before Honorable Judge Pate. The final protective order was denied.

On or about January 3, 2024, Defendant filed a timely appeal to the Baltimore County Circuit Court to appeal Judge Pate's ruling to deny the Defendant's final protective order. Plaintiff stated in her Memorandum "In an effort to intimidate Plaintiff, on or about December 6, 2023, Defendant filed for a protective order". In no way did the Defendant file for the protective order to intimidate Plaintiff, he filed for a protective order due to his fear for his safety because of Plaintiffs' behavior of assaulting and stalking him.

LEGAL STANDARD

Md. Rule 2-322

Pursuant to Md. Rule 2-322(b)(2), "The following defenses may be made by motion to dismiss filed before the answer, if an answer is required:… (2) failure to state a claim upon which relief can be granted,…" Pursuant to Md. Rule 2-322(c) "If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501."

Modification of Custody and Child Support Orders

When the court decides whether to modify a custody order the court must find that there is a material change in circumstances. *Wagner v. Wagner,* 109 Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). A material change is a change that **"**The circumstances to which change would apply would be the circumstances known to the trial court when it rendered the prior order. If the actual circumstances extant at that time were not known to the court because evidence relating thereto was not available to the court, then the additional evidence of actual (but previously unknown) circumstances might also be applicable in respect to a court's determination of change." *Id at 28*. A material change in circumstance is one which affects the welfare of the child. *Gillespie v. Gillespie*, 206 Md. App 146, 171 (Md. Ct. Spec. App. 2012). "[I]n the more frequent case . . . there will be some evidence of changes which have occurred since the earlier [custody] determination was made. Deciding whether those changes are sufficient to require a change in custody necessarily requires a consideration of the best interest of the child. Thus, the question of

"changed circumstances" may infrequently be a threshold question, but is more often involved in the "best interest" determination, where the question of stability is but a factor, albeit an important factor, to be considered." *Id.* "if a court concludes, on sufficient evidence, that an existing provision concerning custody or visitation is no longer in the best interest of the child and that the requested change is in the child's best interest, the materiality requirement will be satisfied." *Barrett v. Ayres,* 186 Md. App. 1, 19.

The court uses the material change in circumstances standard to avoid parties relitigating issues that have already been resolved *McMahon v. Piazze*, 162 Md. App. 588, 596 (Md. Ct. Spec. App 2005). The moving party for modification must plead new evidence to prove a material change in circumstances, again to avoid relitigating of previously resolved matters McCready v. McCready, 323 Md. 476 (Md. 1991). New evidence can either be new facts or events that have occurred since the Order was put in place or "prior facts existing but unknown and not reasonably discoverable at the time of the entry of the original order." *Id.*at 476, 481-482.

"In almost all cases, it is in the best interests of the child to have reasonable maximum opportunity to develop a close and loving relationship with each parent." *Gordon v. Gordon* 174 Md. App. 583, 638. Courts have all agreed that it is well within the best interest of the child to have as much time as possible with both parents, and it is not within the child best interest to be kept from one parent.

ANALYSIS

Defendant opposes' Plaintiff's Motion to Dismiss Defendant's Petition to Modify Child Custody and Child Support because Defendant has easily proven that there have been material changes in circumstances since the April Custody Order.

The Plaintiff, in her Motion to Dismiss, has completely ignored the material changes that were plead in The Petition. Defendant had plead multiple material changes in circumstances, which Plaintiff has either ignored or attempted to have dismissed on the basis of relitigating. Plaintiff argues that the Defendant has not plead new evidence of a change in circumstances and that everything that was plead in The Petition is the Defendant attempting to relitigate already settled issues. Plaintiff also argues that since the Defendant was not present at the March hearing, he cannot address anything that was plead or testified to at the hearing. For Defendant to survive the Motion to Dismiss, he must only show that The Petition had plead a material change in circumstances *Wagner v. Wagner,* 109 Md. App. 1,28, 674 A.2d 1 (1996). The Petition alleges a material change in circumstances in regards to the home in which the Minor Child would stay while in the custody of the Defendant, the Plaintiff has testified and acted in bad faith, and the Order has been shown to not be in the best interest of the Minor Child since the Defendant has barely been able to have visitation with the Minor Child since the Order was put in place. Therefore, the Court should deny Plaintiff's Motion to Dismiss.

1. Change in Defendant's residence as it relates to having custody of the Minor Child

At the time of the custody hearing in March of 2023, Defendant had planned on being at his primary residence when he would have visitation or custody of the Minor Child. On or about late April of 2023 Defendant decided it would be in the best interest of both his family and the Minor Child that when he has custody of the Minor Child it should be at his mother's residence. Defendant believes that the Minor Child should not only have a strong bond with himself, but also his family. Defendant's mother has a suitable residence for the Minor Child, with the Minor Child

having her own bedroom. Defendant's mother has signed a sworn declaration stating she is allowing the Defendant and the Minor Child to stay at her residence when the Defendant has custody of the Minor Child. *See* Exhibit A. A change in residence can be considered a material change in circumstances that effects the welfare of the child and warrant a custody order modification. *Domingues v. Johnson*, 323 Md. 486, 500.

Therefore, The Petition has plead a material change in circumstance that will warrant a modification in the custody order and barring The Petition from being dismissed based on Md. Rule 2-322(b)(2) failure to state a claim in which relief can be granted.

2. Defendant has plead that the current Custody Order is no longer in the best interest of the Minor Child.

a. Plaintiff testified in bad faith at the March 22, 2023, hearing, which could not have been known to the Defendant or the court at the time the hearing took place.

Plaintiff has argued that the Defendant cannot show a material change in circumstances when it relates to testimony or pleadings the Plaintiff gave due to him not being present at the March 2023 hearing. The Plaintiff is correct in arguing that the Defendant cannot relitigate issues already decided by this court since he was not present at the March hearing. But the Plaintiff has failed to understand that the Defendant is not relitigating issues already decided, he is producing newfound evidence that shows bad faith on the part of the Plaintiff that he would not have had the ability to know at the time of the March hearing. New evidence can be either new facts or events that have occurred post the Order being in place or "prior facts existing but unknown and not reasonably discoverable at the time of the entry of the order" McCready v. McCready, 323 Md. 476, 481-482 (Md. 1991).

Defendant has plead that since the entry of the Order, Plaintiff has shown through her communications with him that she testified in bad faith. Plaintiff, on multiple occasions, has stated to Defendant that she wants to modify the custody and child support order. On or about April 13, 2023, Plaintiff had contacted Defendant about modify the custody order that went in place April 7, 2023. Plaintiff not only told Defendant to file for modification and that she will consent to it, but also showed Defendant exactly how to fill out the modification form and what to write in the petition. *See* Exhibit B. Plaintiff not only encouraged but walked the Defendant through the modification form so that they could change the custody order. *See* Exhibit B. Defendant would have never filed for this modification in April if Plaintiff did not encourage him to do so.

On or about May 10, 2023, Plaintiff had sent the Defendant "the packet", which refers to a joint statement of parties concerning decision making authority and parenting time. Plaintiff had filled out the entire form on her own, Defendant did not in any way harass or coerce Plaintiff into filling out this form. It can be seen through text communications between the two parties, that Plaintiff is the one initiating this packet and the one filling it out. Plaintiff can be seen working with Defendant to create a custody plan that they are both confrontable with. *See* Exhibit C. On or about the same day, Defendant contacted Plaintiff regarding her Answer to his modification petition. Plaintiff stated she did not answer the modification petition, when in reality her and her counsel had filed an answer followed by a motion to dismiss. *See* Exhibit D. When Defendant addressed Plaintiff about her answer and motion to dismiss, Plaintiff lied and stated she did not file those documents and that she was still interested in filing the joint statement of parties concerning decision making authority and parenting time. *See* Exhibit D. Plaintiff not only encouraged Defendant to file for modification but went as far as to harass him to fill out the forms to change the custody and child support. *See* Exhibit E. Nowhere in the communications between

the Plaintiff and Defendant around this time did Plaintiff ever state to Defendant that she is fearful of him, that the Minor Child is not safe around him, or that he is unfit to have regular custody of the Minor Child.

After the March hearing Plaintiff had contacted Defendant twice to have him watch the Minor Child by himself without supervision. On or about April 1, 2023, Plaintiff had contacted Defendant requesting him to watch the Minor Child at his home for a few hours in the afternoon *See* Exhibit F. Then on or about July 22, 2023, Plaintiff again contacted Defendant to watch the Minor Child in his gym's daycare so Plaintiff could go to an appointment *See* Exhibit G. These requests were made after Plaintiff testified in court that she didn't believe Defendants home was suitable, that he was a danger to her and the Minor Child, and that he is unfit to have the Minor Child alone. Plaintiff showed that her testimony at the March hearing was untruthful and did not accurately reflect the true situation that existed at the time.

Plaintiff has shown through her communications with Defendant post-custody order, that she not only believes that joint custody is in the best interest of the Minor Child, but what she testified in court to her reasons to have sole custody, she was not being truthful. The discovery that the Plaintiff testified in bad faith at the March hearing could not have been known at the time of the hearing. These discoveries could have only been made after the hearing took place. Since these discoveries could have only been made after the Order was given, they can be used as evidence for a material change in circumstances and not considered a mere attempt to relitigate the March hearing McCready v. McCready, 323 Md. 476, 481-482 (Md. 1991).

b. <u>The Minor Child has spent almost not time with the Defendant due to visitation be solely in Plaintiffs deference.</u>

It is well established that the best interest of the child is to spend the maximum amount of time with both parents to be able to build a bond with the child *Gordon v. Gordon* 174 Md. App. 583, 638. Since the entry of the April Order, not only has the Minor Child barely been able to be around the Defendant, but also since the Defendant hasn't seen the Minor Child, he has lost his ability to build a bond with the Minor Child. The main reason for the Defendant not having visitation with the Minor Child is due to the Plaintiff's behavior. Over the last 8 months the Plaintiff has only offered visitation to the Defendant on a last second notice, where the Defendant would be alone with the Minor Child, or where the visitation included the Defendant and Plaintiff to be together. Defendant has made it very clear to the Plaintiff that he is more than willing to have visitation with the Minor Child if he has more than a last second notice or have it not involve the Plaintiff and Defendant being together, which both requests the Plaintiff has completely ignored.

The April Order gave Plaintiff total control over whether or not the Minor Child can have visitation with the Defendant. Plaintiff has showed on numerous occasions that she has not acted within the best interest of the Minor Child, she simply does what is convenient for her. Plaintiff is more concerned with using the Minor Child to create a relationship with Defendant then doing what is best for the Minor Child.

On or about May 6, 2023, Plaintiff had contacted Defendant concerning Mother's Day and what Defendant, if anything, was planning to do for her on Mother's Day. Defendant told Plaintiff that he would be at his mother's residence and that he would like to have the Minor Child. Plaintiff responded stating she wanted to have the Minor Child for Mother's Day and Defendant agreed to avoid an argument. Plaintiff then responds in an aggressive manner addressing the Defendant spending his money on dates with other girls but not on her for Mother's Day, to which Defendant never responded. *See* Exhibit H. Plaintiff is easily seen through this communication with

Defendant that she was not concerned with the Minor Child's wellbeing for Mother's Day, just what Defendant would do for her.

Then on or about December 24, 2023, Defendant's mother had made arrangements with Plaintiff to have the Minor Child with her and Defendant to celebrate Christmas. When Defendant's mother contacted Plaintiff about the exchange of the Minor Child, Plaintiff revoked the visitation because Defendant had filed a protective order against her. With this revocation at the last minute solely due to Defendant filing a protective order against her, it shows that Plaintiff was not doing what is best for the Minor Child, she was doing what was best for herself.

With Plaintiff being given all the control to decide when and where Defendant can have visitation, the court assumed and trusted that she would do everything she could to foster a relationship between the Minor Child and Defendant and do what was best for the Minor Child, regardless of her feelings towards the Defendant *Gordon v. Gordon* 174 Md. App. 583, 638. Plaintiff has shown over the last 8 months she is not putting the Minor Child's best interest first when it comes to visitation with Defendant. Every time Defendant has taken any actions or steps to gain regular custody of the Minor Child, attempt to distance himself from her, or create other romantic relationships with other women, the Plaintiff either withholds the Minor Child from Defendant and Defendant's family or makes any opportunity for visitation very difficult.

Since Plaintiff has consistently shown over the course of the last 8 months that she is not putting the best interest of the Minor Child first when it comes to visitation, the current custody order is no longer in the best interest of the Minor Child, creating a material change in circumstances that is affecting the wellbeing of the Minor Child. "if a court concludes, on sufficient evidence, that an existing provision concerning custody or visitation is no longer in the best interest

of the child and that the requested change is in the child's best interest, the materiality requirement will be satisfied." *Barrett v. Ayres,* 186 Md. App. 1, 19.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Defendant respectfully requests that this Court DENY the Plaintiff's Motion to Dismiss.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January 2024, a true and correct copy of the foregoing Opposition to Plaintiffs' Motion to Dismiss and Proposed Order was sent via MDEC to:

Jocelyne Gresock
The Women's Law Center
102 W. Pennsylvania Ave., Ste. 100
Towson, Maryland 21204
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

- ☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).
- ☒ The submission contains ☒ one document ☐ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1).
- ☐ The submission contains ☐ one document ☐ multiple documents with restricted information, and you did not file both an unredacted and a redacted version of the submission for each. (Md. Rules 20-101.1 and 20-201.1(c)).
- ☐ The submission does not contain sufficient information for the court to determine the correct case number. (Md. Rule 20-203(a)(3)(B)).
- ☐ The submission consists of discovery material which you intend to file into the case file. Discovery material may be filed electronically as a "service only" transaction. (Md. Rule 20-206).
- ☐ The filing includes a request to place a document included in the submission under court seal and does not contain either an existing order or an attached motion and proposed order. (Md. Rule 20-203(f)(3).
  NOTE: A submission refiled within fourteen (14) days after this notice is sent will relate back to the filing of the rejected submission.

Additional information concerning the Maryland Electronic Courts (MDEC) system and e-filing can be found on the Judiciary website at mdcourts.gov/mdec/efiling

Julie L. Ensor
Clerk of the Circuit Court

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

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Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 1/8/2024 10:18 AM; Submission: 1/8/2024 10:18 AM
Envelope: 15016595

Exhibit A

MEGHAN MAGGIO,	)	IN THE
Plaintiff	)	CIRCUIT COURT
v.	)	FOR
BLAKE HADEL,	)	BALTIMORE COUNTY
Defendant	)	Case No: C-03-FM-22- 005009

DECLARATIOIN OF BRENDA HADEL

I, Brenda Hopka- Hadel, the undersigned do swear and affirm under the penalty of perjury that I have voluntarily allowed and will allow my son, Blake Hadel, and his minor daughter, Sofia Lynn Hadel, to reside with me at my home when Blake has custody of Sofia. I have a bedroom in my home designated specially for Sofia and her needs. My home is suitable for Sofia to reside in while under the custody of Blake. I intend to allow Blake and Sofia to reside at my home indefinitely.

Blake is a good and responsible father to Sofia. Blake not having any custody of Sofia has been hard not only on him but also on me and my family. Me and my family want to build a relationship with Sofia so that she can have a relationship with both sides of her family.

11-19-23

Date

Brenda Hopka-Hadel

Brenda Hopka-Hadel

6715 German Hill Road

Baltimore MD, 21222

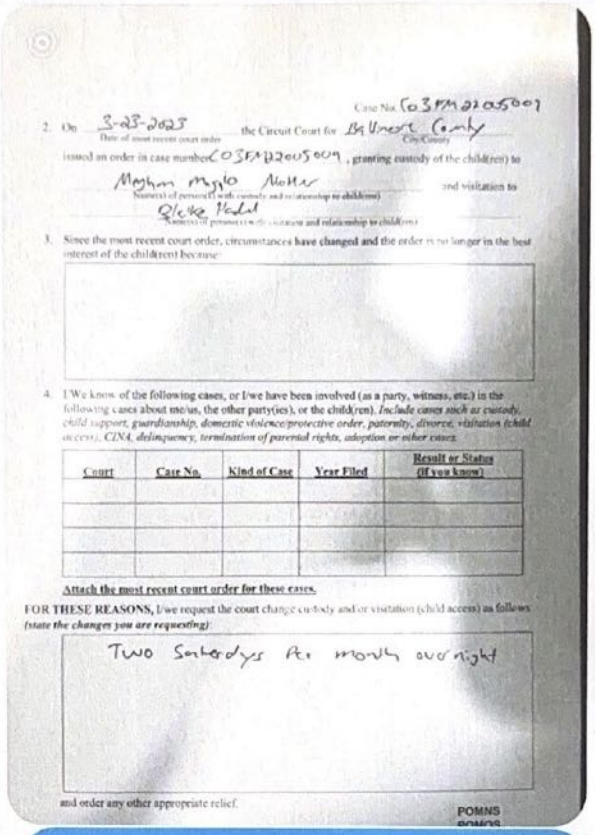
Exhibit B

10:55

53

MM

Meghan



Case No. C03FM22005009

2. On 3-23-2023 the Circuit Court for Baltimore County

issued an order in case number C03FM22005009, granting custody of the child(ren) to

Meghan Mygio Mother

and visitation to

Rickie Medd

3. Since the most recent court order, circumstances have changed and the order is no longer in the best interest of the child(ren) because:

4. I/We know of the following cases, or I/we have been involved (as a party, witness, etc.) in the following cases about me/us, the other party(ies), or the child(ren). *Include cases such as custody, child support, guardianship, domestic violence/protective order, paternity, divorce, visitation (child access), CINA, delinquency, termination of parental rights, adoption or other cases.*

Court	Case No.	Kind of Case	Year Filed	Result or Status (If you know)

Attach the most recent court order for these cases.

FOR THESE REASONS, I/we request the court change custody and/or visitation (child access) as follows *(state the changes you are requesting)*:

Two Saturdays A month overnight

and order any other appropriate relief.

POMNS

What do you want me to put in that box?

Well put father next to your name. You missed relationship you child on line 2

And you spelled Saturday wrong in that box

OK I'll change it. What should I write for number three

You need to be more specific for the for these reasons section.

iMessage

10:57

53

MM

Meghan

Mon, Apr 17 at 2:56 PM

An update? Did you turn it in?

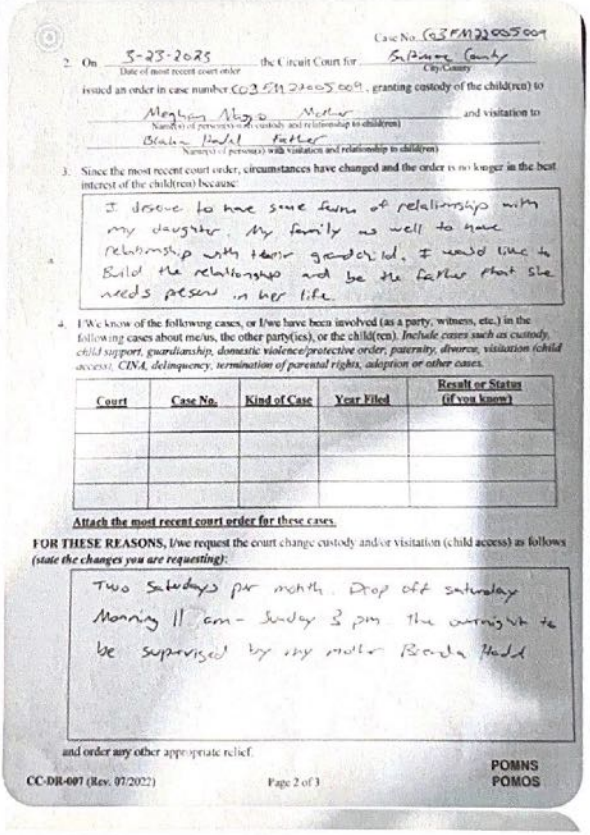
Tomorrow morning

Can I ask why it keeps getting pushed?

I'm almost back to finish filling it out

Can u send food then

Mon, Apr 17 at 4:25 PM



Case No. C03FM22005009

2. On 5-23-2025 (Date of most recent court order) the Circuit Court for Prince George's County (City/County) issued an order in case number C03FM22005009, granting custody of the child(ren) to Meghan Nicole Mellor (Name(s) of person(s) with custody and relationship to child(ren)) and visitation to Blake Todd Father (Name(s) of person(s) with visitation and relationship to child(ren))

3. Since the most recent court order, circumstances have changed and the order is no longer in the best interest of the child(ren) because:

I desire to have some form of relationship with my daughter. My family as well to have relationship with their grandchild. I would like to build the relationship and be the father that she needs present in her life.

4. I/We know of the following cases, or I/we have been involved (as a party, witness, etc.) in the following cases about me/us, the other party(ies), or the child(ren). *Include cases such as custody, child support, guardianship, domestic violence/protective order, paternity, divorce, visitation (child access), CINA, delinquency, termination of parental rights, adoption or other cases.*

Court	Case No.	Kind of Case	Year Filed	Result or Status (if you know)

Attach the most recent court order for these cases.

FOR THESE REASONS, I/we request the court change custody and/or visitation (child access) as follows *(state the changes you are requesting)*:

Two Saturdays per month. Drop off saturday Morning 11 am - Sunday 3 pm. The overnight to be supervised by my mother Brenda Todd

and order any other appropriate relief.

CC-DR-007 (Rev. 07/2022) Page 2 of 3 POMNS POMOS

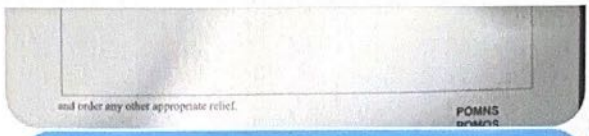
iMessage

10:56

53

MM

Meghan



What do you want me to put in that box?

Well put father next to your name. You missed relationship you child on line 2

And you spelled Saturday wrong in that box

OK I'll change it. What should I write for number three

You need to be more specific for the for these reasons section.

What do you want me to put?

Two saturdays per month, drop off Saturday morning at 11am- Sunday 3pm. The overnight to be supervised by my mother;Brenda Hadel.

For the 3. Box. I deserve some form of visitation and relationship with my daughter. My family as well to have a relationship with there grandchild. I would like to build the relationship and be the father she needs present in her life.

Ok

iMessage

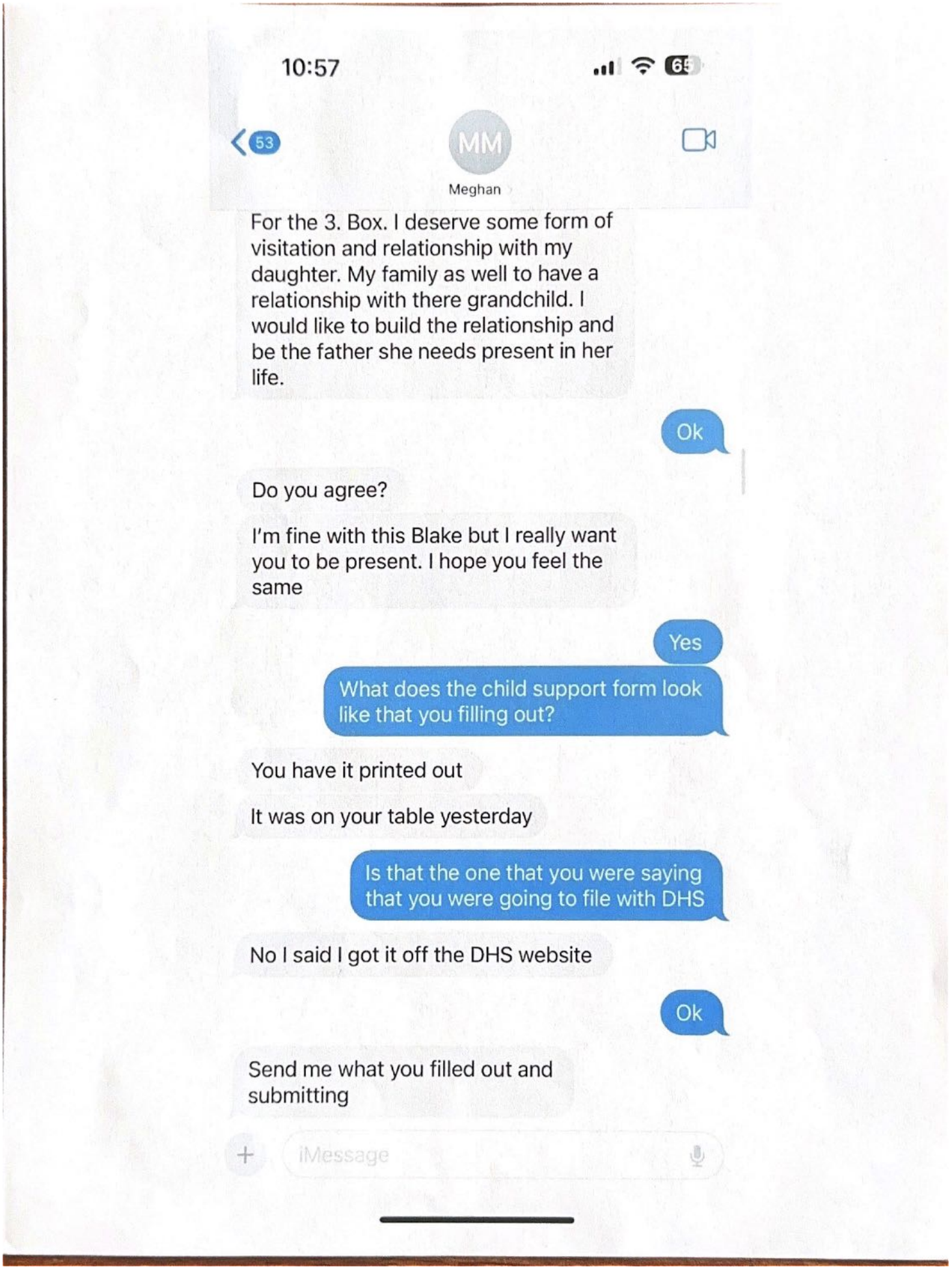

10:57
65
53
MM
Meghan
For the 3. Box. I deserve some form of visitation and relationship with my daughter. My family as well to have a relationship with there grandchild. I would like to build the relationship and be the father she needs present in her life.
Ok
Do you agree?
I'm fine with this Blake but I really want you to be present. I hope you feel the same
Yes
What does the child support form look like that you filling out?
You have it printed out
It was on your table yesterday
Is that the one that you were saying that you were going to file with DHS
No I said I got it off the DHS website
Ok
Send me what you filled out and submitting
iMessage

Exhibit D

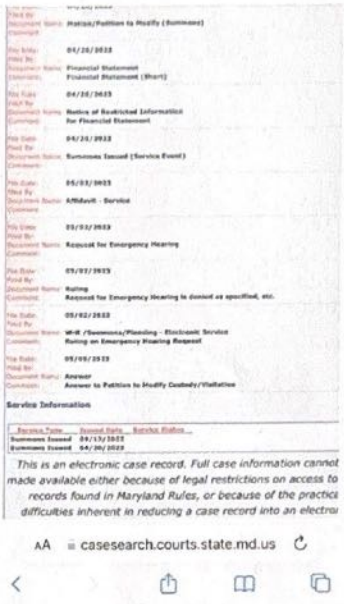
10:09

78

52

MM

Meghan



Service Information

This is an electronic case record. Full case information cannot made available either because of legal restrictions on access to records found in Maryland Rules, or because of the practica difficulties inherent in reducing a case record into an electro

AA casesearch.courts.state.md.us

What was your answer to petition?

Idk I never gave an answer. I saw it was denied and that was it. I also haven't gotten anything in the mail

Have you?

The emergency hearing is denied you idiot

Now it's going to take longer

Why are you calling me names....

Maybe the judge or clears made an answer? I didn't

Thu, May 11 at 9:56 AM

iMessage

Exhibit E

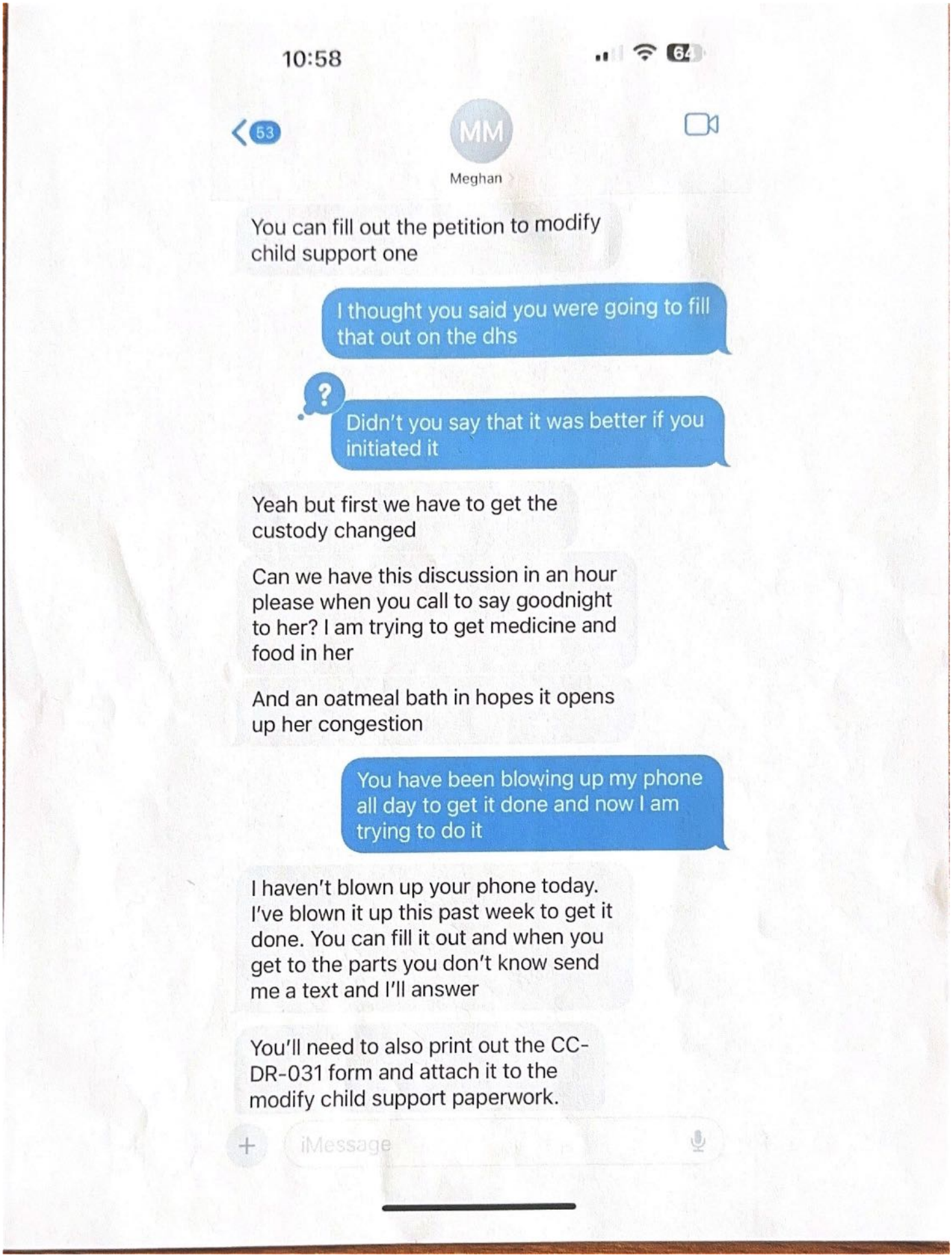

10:58
64
53
MM
Meghan
You can fill out the petition to modify child support one
I thought you said you were going to fill that out on the dhs
?
Didn't you say that it was better if you initiated it
Yeah but first we have to get the custody changed
Can we have this discussion in an hour please when you call to say goodnight to her? I am trying to get medicine and food in her
And an oatmeal bath in hopes it opens up her congestion
You have been blowing up my phone all day to get it done and now I am trying to do it
I haven't blown up your phone today. I've blown it up this past week to get it done. You can fill it out and when you get to the parts you don't know send me a text and I'll answer
You'll need to also print out the CC-DR-031 form and attach it to the modify child support paperwork.
+
iMessage

Exhibit F

10:39

52

MM

Meghan

Fri, Mar 31 at 6:49 PM

Should I cancel your groceries or are you going to be home in time tomorrow morning to get them

You said you were making that room Sofias again.... Not moving in another roommate...?

I'll ft at 8

Yes

She's in the tub right now

I'm sorry but this isn't going to work out. I wish you the best in life and I hope you are really happy.

Agreed

Can you Zelle me back for dinner pls

Is it unblocked?

Sat, Apr 1 at 8:36 AM

Do you want Sofia this afternoon for a few hours

Sat, Apr 1 at 10:05 AM

iMessage

Exhibit G

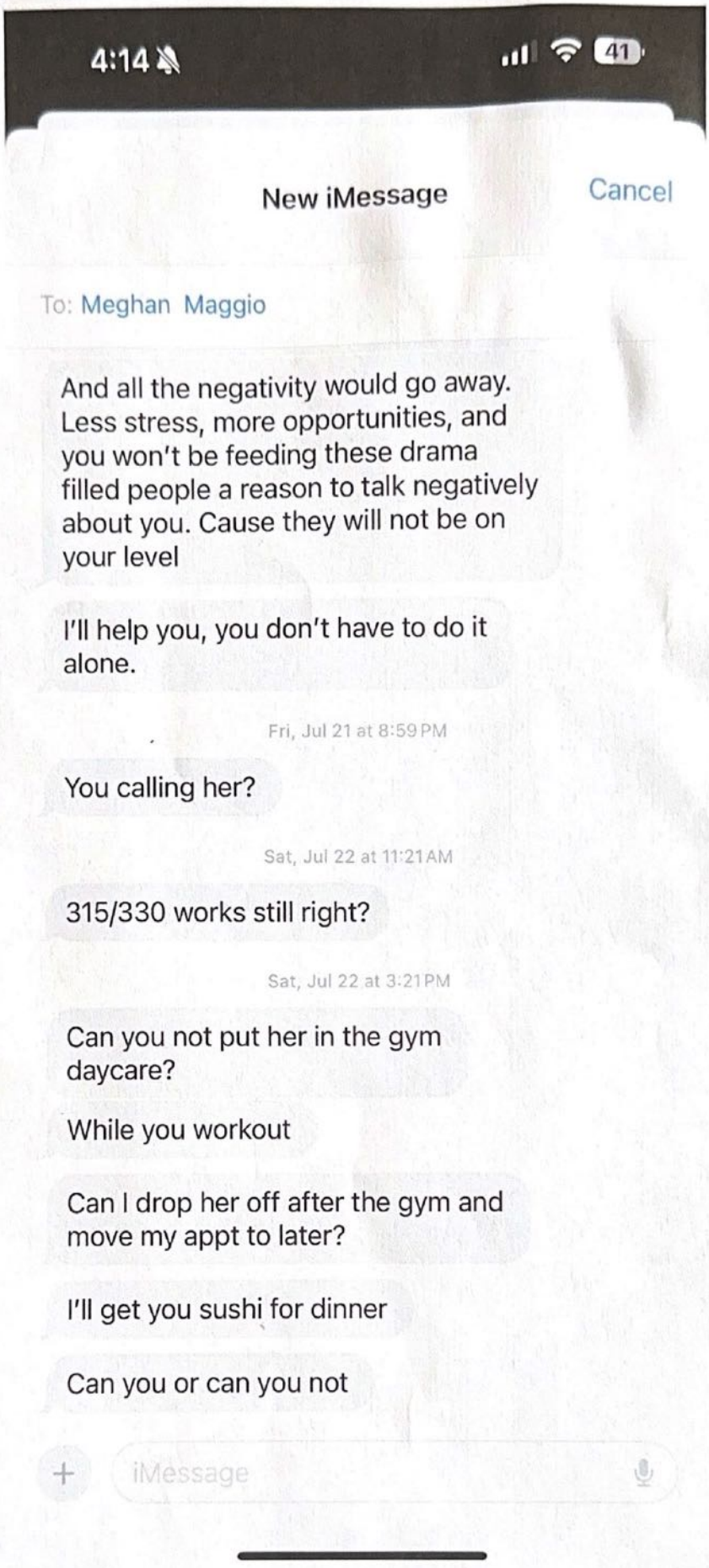

4:14
41
New iMessage
Cancel
To: Meghan Maggio
And all the negativity would go away. Less stress, more opportunities, and you won't be feeding these drama filled people a reason to talk negatively about you. Cause they will not be on your level
I'll help you, you don't have to do it alone.
Fri, Jul 21 at 8:59 PM
You calling her?
Sat, Jul 22 at 11:21 AM
315/330 works still right?
Sat, Jul 22 at 3:21 PM
Can you not put her in the gym daycare?
While you workout
Can I drop her off after the gym and move my appt to later?
I'll get you sushi for dinner
Can you or can you not
iMessage

Exhibit H

It's the same thing. You'll eat it

Sat, May 6 at 10:04 AM

Are you doing anything for me on Mother's Day? It's next Sunday

I'll be at my moms you can drop Sophia off

Lol it's my Mother's Day too?

Obv I wanna be with my daughter on Mother's Day

Ok

You can spend all this money on dates with multiple girls but can't do anything for me on Mother's Day. Makes sense

Sat, May 6 at 9:14 PM

Can you call Sofia at 945/10 to say goodnight?

Hello?

Cool Blake

Sun, May 7 at 11:11 AM

I'm not going to make it before work. I can meet you after

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22-005009

DEFENDANT'S MOTION FOR REASONABLE ATTORNEYS' FEES

Defendant BLAKE HADEL, by and through his attorney, Sarah Spitalnick Esq., hereby file this Motion for Reasonable Attorneys' Fees pursuant to MD Rule 1-341(a)(b), and states as followed:

1. Defendant filed his second Petition to Modify Custody and Child Support on or about December 1, 2023 (hereinafter "The Petition").
2. Plaintiff was served with The Petition at her residence located at 7295 Jenna Drive Marriottsville MD, on or about December 11, 2023.
3. Plaintiff filed her Answer and Motion to Dismiss Defendant's Petition to Modify Custody and Child Support on or about December 21, 2023.
4. Defendant filed his timely Opposition to Plaintiff's Motion to Dismiss on or about January 4, 2024.
5. On or about January 12, 2024, the Court had DENIED Plaintiff's Motion to Dismiss and denied Plaintiff's request for a hearing on the Motion to Dismiss.
6. Within The Petition, Defendant had plainly plead facts that warrant a modification to a custody or child support order. The Petition clearly plead facts that show a material change in circumstances, the standard for a modification in custody or child support.

7. “Rule 1-341 requires a court to make two separate findings, each with different, but related, standards of review. The judge must first find that the conduct of a party during a proceeding, in defending or maintaining the action, was without substantial justification or was done in bad faith” *Inlet Assocs. V. Harrison Inn Inlet, Inc.,* 324 Md. 254, 267-68, 596 A.2d 1049, 1056 (1991). Next, the judge must separately find that the acts committed in bad faith or without substantial justification warrant the assessment of attorney's fees.*Id.*
8. According to Md. Code, FL§ 7-107(a)-(d), when the court finds that Rule 1-341 is satisfied the court must then look to the financial statues of both parties involved in the custody suit to make sure that the award of attorney’s fees will not harm one of the parties that cascaded to the minor child. The court must find that the offending party will not be financially harmed to the point where the offending party will not be able to reasonably care for the child financially.
9. Plaintiff has filed her Motion to Dismiss without substantial justification. The Petition had clearly plead material changes in circumstances in regard to change of Defendants residence, the discovery of Plaintiff’s bad faith testimony at the March default hearing, and showing that the current custody order is no longer within the best interest of the child.
10. Defendant’s Counsel spent 17.6 hours, at $150.00 an hour, drafting the Opposition to the Motion to Dismiss. Defendant’s Counsel spent 5.2 hours, at $150.00 an hour, drafting the Motion for Reasonable Attorney’s Fees and Memorandum of Law in Support of the Motion for reasonable Attorney’s Fees.

11. The attached Memorandum of Law is incorporated by reference, pursuant to Md. Rule 2-303(d).
12. Plaintiff is fit and proper to pay Defendant's reasonable counsel fees that he incurred from defending against Plaintiff's frivolous Motion to Dismiss and from drafting this Motion for Reasonable Attorney's Fees and Memorandum of Law.

WHEREFORE, for the foregoing reasons, Defendant respectfully moves pursuant to Rule 1-341 and Md. Code, FL§ 7-107(a)-(d), that this Honorable Court award Plaintiff $3,420.00 in reasonable attorney's fees.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, a true and correct copy of the foregoing Motion for Reasonable Attorney's Fees, Memorandum of Law in Support of the Motion for Reasonable Attorney's Fees and Proposed Order was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
8 North Court St., Ste A
Westminster, MD 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

Exhibit A

E-FILED; Baltimore County Circuit Court
Docket: 12/20/2023 12:58 PM; Submission: 12/20/2023 12:58 PM
Envelope: 14875596

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY
102 West Pennsylvania Avenue, Suite 100 Towson, MD 21204
phone 410-321-8761 fax 410-321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: December 20, 2023

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

E-FILED; Baltimore County Circuit Court
Docket: 9/9/2022 10:35 AM; Submission: 9/9/2022 10:35 AM

C-03-FM-22-005009

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY

305 West Chesapeake Avenue, Suite 201 Towson, MD 21204
phone 410 321-8761 fax 410 321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: September 9, 2022

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

Exhibit B

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

Exhibit D

E-FILED; Baltimore County Circuit Court
Docket: 12/21/2023 2:38 PM; Submission: 12/21/2023 2:38 PM
Envelope: 14893166

EXHIBIT A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9*-208, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

Exhibit E

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

E-FILED; Baltimore County Circuit Court
Docket: 2/8/2024 4:29 PM; Submission: 2/8/2024 4:29 PM
Envelope: 15364764

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22-005009

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR REASONABLE ATTORNEYS' FEES

Now comes Defendant, BLAKE HADEL, by and through his attorney, Sarah Spitalnick Esq., and submits the following Memorandum of Law in support of his Motion for Reasonable Attorney's Fees.

PRELIMINARY STATEMENT

According to Rule 1-341, a judge must first find that the conduct of a party during a proceeding, in defending or maintaining the action, was without substantial justification or was done in bad faith" *Inlet Assocs. V. Harrison Inn Inlet, Inc.,* 324 Md. 254, 267-68, 596 A.2d 1049, 1056 (1991). Next, the judge must separately find that the acts committed in bad faith or without substantial justification warrant the assessment of attorney's fees.*Id.* Once Rule 1-341 is satisfied the court must look to Md. Code, FL§ 7-107(a)-(d) in determining if an award of reasonable attorney's fees would be appropriate. The court will look at the financial statues' and needs of both parties involved in the custody dispute.

With this present case the Plaintiff, Meghan Maggio (hereinafter "Plaintiff") filed her Motion to Dismiss without substantial justification. Defendant, Blake Hadel (hereinafter

"Defendant") clearly plead material changes in circumstances in his second Motion to Modify Child Custody and Child Support (hereinafter "Def. Pet." or "the Petition"). In the Petition, which is incorporated by reference, pursuant to Md. Rule 2-303(d), Defendant clearly plead a change in residence, Plaintiff's bad faith testimony that could only be discovered after the default hearing on or about March 22, 2023, and the current custody order is no longer in the best interest of the Minor Child. All these allegations were specific and/or supported by exhibits.

Within this present case, if the court is to award the Defendant his attorney's fees, he incurred by defending Plaintiff's Motion to Dismiss and drafting this Motion for Reasonable Attorney's Fees, the court must find that Plaintiff is fit to pay the reasonable fees. Plaintiff, up until January 22, 2024, has not incurred any legal expenses due to only being represented by an attorney that took her case on a Pro Bono basis. *See* Exhibit A. Plaintiff resides at her parents' home, where she does not pay rent or utilities. Plaintiff is gainfully employed making $3,120.00 a month while also receiving $860.00 in child support from the Defendant every month.

Plaintiff filed her Motion to Dismiss without substantial justification and Plaintiff has incurred no legal fees up until January 22, 2024, while the Defendant has incurred legal fees in excess of $5,000.00 thus far in initiating and defending the Petition. Plaintiff makes $3,120.00 a month, while the Defendant only makes $1,049.00 and pays the Plaintiff $860.00 a month in child support. Thus, Defendant should be awarded his attorney's fees of $3,420.00 he incurred defending against Plaintiff's frivolous Motion to Dismiss and drafting this Motion for Reasonable Attorney's fees.

LEGAL STANDARD

To award attorney's fees in a custody matter the court must find that the offending party violated Rule 1-341 and that both parties' financial status and financial needs are brought into

account and do not violate Md. Code, FL§ 7-107(a)-(d). Rule 1-341 states that a party satisfies the rule if a party took action to defend or maintain any action without substantial justification or in bad faith. If the court finds that Rule 1-341 is satisfied then the court will look to Md. Code, FL§ 7-107(a)-(d) and determine whether the award is reasonable and justified by bringing into account both parties' financial status and needs.

The court has defined substantial justification as "a reasonable basis for believing that a case will generate a factual issue for the fact-finder at trial." and "the parties position should be "fairly debatable" and "within the realm of legitimate advocacy." *Inlet Assos. v. Harrison Inn Inlet, Inc.,* 324 Md. 254, 268.

The courts consider attorney's fees justified if they are "reasonable, taking into account such factors as labor, skill, time, and benefit afforded to the client, as well as the financial resources and needs of each party." *Comfield v. Ferta,* 2022 Md. App. LEXIS 679, *19. The court must balance the parties' financial status and needs "in order to determine [each party's] ability to pay the award to the other; a [mere] comparison of incomes is not enough." *Davis v. Petito,* 425 Md. 191, 205, 39 A. 3d 96 (2012). The court must bring into account both parties incomes, financial obligations, harm the offending party might suffer from the award, if the award would negatively cascade down to the Minor Child's wellbeing, etc….*Id.*

ANALYSIS

Within the Petition, the Defendant plead clear material changes in circumstances or at minimum plead facts that generate a factual issue for a factfinder at trial to determine. The Defendant's only burden in filing the Petition, to avoid having the Petition dismissed based on Md. Rule 2-322(b)(2) (failure to state a claim in which relief can be granted), is that he plead a material change in circumstances effecting the Minor Childs welfare. *Wagner v. Wagner,* 109

Md. App. 1, 28-33 (Md. Ct. Spec. App 1996). The Defendant clearly plead not one but three different material changes in circumstances that affect the welfare of the Minor Child. The Defendant plead change of residence, bad faith by the Plaintiff, and the standing custody order is no longer in the best interest of the Minor Child. Some of the material changes in circumstances were not only plead but reenforced by exhibits showing the changes in circumstances. *See* Exhibit B.

In Plaintiff's Motion to Dismiss, which is incorporated by reference, pursuant to Md. Rule 2-303(d), she argues that the entire Petition should be dismissed based on the argument that everything that was plead was merely relitigating already decided issues or that no argument was given in support of an allegation. Defendant does not need to offer argument or proof of every single one of his allegations in the Petition, as long as the allegations plead are not vague and creates a plausible cause for relief sought *Wensel v. Zettergren,* 2018 Md. App. LEXIS 26, *62.

Within the Petition, Defendant pleads material changes in circumstances that relates to actions taken by Plaintiff well after the standing custody order was in place, that could not have been brought before or during the default hearing in March 2023. Plaintiff states "Defendant is unable to state a claim upon which relief may be granted. Rather, he is attempting to relitigate the same matter of custody in the case in which he refused to participate by either filing a response or appearing at the hearing". Specifically, the change of residence (Def. Pet., P 19,20), Plaintiff's bad faith (Def. Pet., P 39,41-43,45), and the order no longer being in the Minor Childs best interest (Def. Pet., P 39,47,48,49) were plead as occurring after the standing custody order. Some of these allegations are shown through Exhibits D-F attached to the Petition.

The only arguments Plaintiff proffered in her Motion to Dismiss to defend the dismissal was that Defendant didn't plead proof or argument for allegations and that all the allegations are attempts to relitigate issues already decided, both arguments are not substantially justified. The only way to have a petition to modify custody or child support dismissed on a motion to dismiss is if *all* allegations in the Petition do not plead a material change in circumstances *Wensel v. Zettergrn,* 2018 Md. App. LEXIS 26, *65 (*citing Ricketts v. Ricketts*, 393 Md. 479, 492, 903 A.2d 857 (2006)). Since there were clearly multiple changes in circumstances plead in the Petition, Plaintiff's Motion to Dismiss was filed without substantial justification and satisfies Md. Rule 1-341.

In regard to Md. Code, FL§ 7-107(a)-(d), with Md. Rule 1-341 being satisfied, we look to the financial statues and financial needs of both parties. The court must balance the parties' financial status and needs "in order to determine [each party's] ability to pay the award to the other; a [mere] comparison of incomes is not enough." *Davis v. Petito,* 425 Md. 191, 205, 39 A. 3d 96 (2012). Both Plaintiff and Defendant are gainfully employed, while the Plaintiff makes significantly more than the Defendant. The monthly income for Plaintiff is $3,120.00, and Defendant's is $1,049.00. *See* Exhibit C and D. Defendant has monthly expenses that the Plaintiff does not have. Defendant has a mortgage, pays for utilities, phone bill, car payment, child support and everyday expenses of living on his own. While the Plaintiff resides at her parents' residence, where she does not pay rent, utilities, or any other expense that comes with living on her own. Plaintiff receives $860.00 a month in child support from the Defendant. *See* Exhibit E. Plaintiff, up until January 2024, has not had to pay any legal fees as they relate to this present case, while the Defendant has incurred $5,105.00 in legal fees since filing the Petition. Almost half of the Defendant's legal fees were a result of defending against Plaintiff's frivolous

Motion to Dismiss. As of February 1, 2024, Plaintiff has retained counsel not on a Pro Bono basis, showing that Plaintiff has the ability to pay legal fees.

The courts consider attorney's fees justified if they are "reasonable, taking into account such factors as labor, skill, time, and benefit afforded to the client, as well as the financial resources and needs of each party." *Comfield v. Ferta,* 2022 Md. App. LEXIS 679, *19. Defendant's legal fees were $2,640.00 for drafting his Opposition to Plaintiff's Motion to Dismiss and $780.00 for drafting Defendant's Motion for Reasonable Attorney's Fees. Defendant's counsel spent 17.3 hours preparing and drafting Defendant's Opposition and 5.2 hours drafting Defendant's Motion for Reasonable Attorney's Fees and Memorandum of Law. *See* Exhibit F. Defendant's counsel has attached both her invoices which shows exactly how much time was spent on preparing and drafting Defendant's Opposition and drafting Defendant's Motion for Reasonable Attorney's Fees and Memorandum of Law. *See* Exhibit G. According to U.S.Dist.Ct.Rules Md. App. B(3)(a) "Lawyers admitted to the bar for less than five (5) years: $150-225." Defendant's counsel was admitted to the bar in November 2023 and her hourly fee is $150.00. Defendant's counsel falls well within the reasonable hour fee structure the U.S. District Court for Maryland lays out. This case is in the Circuit Court for Maryland but can be assumed the counsel fee structure would be similar to the U.S. District Court for Maryland. Defendant was reasonable in filing an Opposition to Plaintiff's Motion to Dismiss since if he did not his petition would have been dismissed. If the Defendant wanted to continue with his intention of gaining custody of his daughter, he had to file an Opposition to Plaintiff's Motion to Dismiss.

Plaintiff and Defendant's financial status and needs have been evaluated and it can be seen that Plaintiff is in a better financial status then Defendant, Plaintiff satisfied Rule 1-341,

Defendant was justified in filing his Opposition to Plaintiff's Motion to Dismiss, and Defendant's counsel fees are reasonable for the work done; thus the court should awarded Defendant his reasonable attorney's fees according to Md. Code, FL§ 7-107(a)-(d).

CONCLUSION

As stated above, Plaintiff filed her Motion to Dismiss without substantial justification satisfying Md. Rule 1-341. Taking into account both Plaintiff and Defendant's financial statues and needs according to Md. Code, FL§ 7-107(a)-(d), Plaintiff is fit to pay Defendant's counsel fees he incurred in defending against her frivolous Motion to Dismiss and drafting this Motion for Reasonable Attorney's Fees and Memorandum of Law.

Respectfully submitted,

Sarah Spitalnick

Sarah Spitalnick, Esq.
23 Walker Ave., Suite 207
Baltimore Maryland, 21208
Phone: (484) 332-0454
CPF#: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February 2024, a true and correct copy of the foregoing Motion for Reasonable Attorney's Fees, Memorandum of Law in Support of the Motion for Reasonable Attorney's Fees and Proposed Order was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
8 North Court St., Ste A
Westminster, MD 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick, Esq.
Counsel for Defendant

Exhibit A

E-FILED; Baltimore County Circuit Court
Docket: 12/20/2023 12:58 PM; Submission: 12/20/2023 12:58 PM
Envelope: 14875596

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY
102 West Pennsylvania Avenue, Suite 100 Towson, MD 21204
phone 410-321-8761 fax 410-321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: December 20, 2023

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

E-FILED; Baltimore County Circuit Court
Docket: 9/9/2022 10:35 AM; Submission: 9/9/2022 10:35 AM

C-03-FM-22-005009

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY

305 West Chesapeake Avenue, Suite 201 Towson, MD 21204
phone 410 321-8761 fax 410 321-0462 www.wlcmd.org

MEMORANDUM

TO: Clerk of Court
Circuit Court for Baltimore County

FROM: Laure Ruth
Legal Director
Women's Law Center of Maryland

DATE: September 9, 2022

RE: Statement in Support of Waiver of Prepaid Costs by Clerk, in accordance with Maryland Rule 1-325

This is to advise you that the Women's Law Center of Maryland and its attorney, Jocelyne Gresock, Esq., is representing the Plaintiff, MEGHAN MAGGIO, on a pro bono basis.

The Women's Law Center receives funding from or has otherwise been approved by the Maryland Legal Services Corporation to provide civil legal services on behalf of low-income persons. Meghan Maggio meets the financial eligibility requirements of the Corporation, and payment of the filing fees or other court costs related to this matter is not required under the Prisoner Litigation Act, Maryland Code, Courts Article, §5-1002.

Thank you in advance for your cooperation with this matter. If you have any questions, please do not hesitate to call me at 410-321-8761.

Exhibit B

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in Marsh of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023 the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.
6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered

that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.

7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants monthly income is $1,250.
9. Defendants income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.
15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C

16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.
23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship

with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.

24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.
32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has kept up with his child support payments. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.
41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of

the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.

43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.
46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.

49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petaton in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That Defendant be awarded such other and further relief as the nature of his cause may require.

VERIFICATION

I SOLEMNLY SWEAR AND AFFIRM under the penalties of perjury that content of the foregoing petition are true and accurate based on my personal knowledge, information, and belief.

BLAKE HADEL

Respectfully Submitted,

Sarah Spitalnick Esq.
23 Walker Ave, Suite 300
Pikesville, MD 21208
Phone: (484) 332-0454
Bar Number:
23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick Esq.
Attorney for Defendant

Exhibit D

E-FILED; Baltimore County Circuit Court
Docket: 12/21/2023 2:38 PM; Submission: 12/21/2023 2:38 PM
Envelope: 14893166

EXHIBIT A

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9*-208, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

Exhibit E

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 2/9/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Notice of restricted information 2/8/2024.**

☒ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 2/9/2024 with envelope 15365233.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____
Date Judge

cc:

William Bradley Bauhof
Sarah Spitalnick

E-SERVED Baltimore County Circuit Court 2/9/2024 1:40 PM System SystemEnvelope:15374849
E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 1:40 PM; Submission: 2/9/2024 1:40 PM
Envelope: 15374849

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

To: SARAH SPITALNICK

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

MEGHAN MAGGIO VS. BLAKE HADEL

Date: 2/9/2024

MDEC DEFICIENCY NOTICE
(Md. Rules Title 20)

To **Sarah Spitalnick:** You have a deficiency in your filing. **Pursuant to Maryland Rule 20-203(d)(3) the court will strike the submission unless the deficiency is corrected or the deficient submission is withdrawn within 14 days or the court orders otherwise. Please make the correction(s) indicated below and refile or withdraw the submission within 14 days, making no other amendments, modifications, or changes to the submission except to correct the deficiency. The time to file any responsive submission shall run from the date that the correct submission is filed. The deficient submission file name(s) and date of filing are: Notice of restricted information 2/8/2024.**

☒ In any one case multiple submissions (including proposed orders) must be submitted in the same envelope as separate PDF files. Please resubmit the filings as separate submissions in the same envelope. (See Rule 20-201(e).) *Does not apply to L & T bulk filing.*

☐ The submission is illegible or scanned with an incorrect orientation (e.g., upside down, sideways, blurry, and blank pages).

☐ The electronic file names must relate to the title of the submission. The electronic file name must state whether all or part of the submission is to be sealed or shielded pursuant to Rule 20-201.1. (e.g., RESTRICTED DOCUMENT-Request to Shield Denied or Dismissed Protective Order Records) (See Rule 20-201(i).) If an exhibit to a submission is filed, the exhibit and the electronic file name should accurately refer to the submission to which they relate. (e.g., Ex 1 Pl MSJ) When the exhibit is an affidavit or other testimony, the file name must identify the affiant or witness (e.g., Affidavit of John Doe).

☐ The exhibit(s) are not identified using the drop-down menu provided.

☐ The submission is not permitted to be filed electronically. (See Rule 20-106(c)(2).)

☐ The submission does not include the filer's signature (the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/) as required by Rule(s) 20-107(a)(1) and 20-101(t).

☐ The submission does not have the filer's address, e-mail address, telephone number, or the attorney's identifying Attorney Number registered with the Attorney Information System as required by Rule 20-107(a)(2).

☐ You attempted to enter your appearance in the case as attorney for the victim or victim's representative without using form MDJ-009-Notice of Entry of Appearance by Attorney for Victim or Victim's Representative. (See Rule 20-103(b)(1)(A).)

☐ The submission requires a signature under oath, affirmation, or with verification and is not hand-signed and scanned or affixed with the signer's digital signature. (See Rule 20-107(d)(1).)

☐ CONSOLIDATED CASES: The submission was filed into a subcase. Where a judge has issued an order consolidated cases and designates a lead case, all subsequent submissions must be filed in the lead case.

☐ The proposed order was not submitted as a separate document, identified as a proposed order, or identified as relating to the motion or other request for court action to which the order pertains. (See Rule 20-201(j).) *This does not apply if submitted on a combined motion & order form issued by the Judiciary.*

☐ The filing code was incorrect, and the clerk's office was unable to determine the correct code.

☐ The State Court Administrator requirements for requesting sheriff, constable or certified mail service in the District Court have not been met (e.g., includes improper fee multiplier).

☐ The submission was filed by a registered user on behalf of a non-registered user in violation of the policy published by the State Court Administrator.

☐ The party's name is not an identical reference to the name of each party (spelling, first name, middle name(s), last name(s), initial(s), and other identifiers) as required wherever that party's name referred to in writing/electronically, including but not limited to: in the pleading or other submission, party field, or File and Serve.

☐ The filing location is incorrect.

☐ (District Court only) WARRANT OF RESTITUTION: The petitioner must submit both the front of the Petition for Warrant of Restitution and the second page which contains important notices to defendant.

☐ (District Court only) The submission must be submitted on the most recent version of a form approved by the Chief Judge of the District Court.

☐ Other

To resubmit the submission(s), please re-file in a different envelope within 14 days of this notice and under comments state that you are filing to correct the Deficiency Notice filed on 2/9/2024 with envelope 15365233.

Julie L. Ensor
Clerk of the Circuit Court

NOTE: You must submit a motion and have it granted by a judge to receive a refund of any fees associated with the filing.

ORDER STRIKING DEFICIENT SUBMISSION(S)

The above deficiency notice has not been corrected within the required 14 days. The court has not issued an order related to the deficiency. Per Rule 20-203(d)(3), the deficient submission(s) is/are stricken.

_____ _____
Date Judge

cc:

William Bradley Bauhof
Sarah Spitalnick

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: **C-03-FM-22-005009**
Other Reference Number(s):

To: SARAH SPITALNICK

MEGHAN MAGGIO VS. BLAKE HADEL

NOTICE OF REJECTED SUBMISSION

Note to clerk: Use this form only for Registered Users under Md. Rule 20-101.

The court has rejected your submission for the following reason(s):

- ☐ The submission is required to be filed electronically. (Md. Rule 20-106(d)(2)(B)).
- ☒ The submission contains ☐ one document ☒ multiple documents with restricted information, and you did not file a Notice of Restricted Information (MDJ-008) for each. (Md. Rule 20-201.1). **Exhibits C and G were submitted in the same pdf as their corresponding Notices of Restricted Information. Each confidential document requires a Notice of Restricted information scanned separately from the document it was filed with.**
- ☐ The submission contains ☐ one document ☐ multiple documents with restricted information, and you did not file both an unredacted and a redacted version of the submission for each. (Md. Rules 20-101.1 and 20-201.1(c)).
- ☐ The submission does not contain sufficient information for the court to determine the correct case number. (Md. Rule 20-203(a)(3)(B)).
- ☐ The submission consists of discovery material which you intend to file into the case file. Discovery material may be filed electronically as a "service only" transaction. (Md. Rule 20-206).
- ☐ The filing includes a request to place a document included in the submission under court seal and does not contain either an existing order or an attached motion and proposed order. (Md. Rule 20-203(f)(3).
  NOTE: A submission refiled within fourteen (14) days after this notice is sent will relate back to the filing of the rejected submission.
- ☐ The filing fee was not paid. (Md. Rule 20-201(k) and Courts and Judicial Proceedings Article, § 2-201(b)).

Additional information concerning the Maryland Electronic Courts (MDEC) system and e-filing can be found on the Judiciary website at mdcourts.gov/mdec/efiling

Julie L. Ensor
Clerk of the Circuit Court

E-SERVED Baltimore County Circuit Court 2/9/2024 2:56 PM System SystemEnvelope:15376958
E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 2:56 PM; Submission: 2/9/2024 2:56 PM
Envelope: 15376958

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
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Julie L. Ensor
Clerk of the Circuit Court

E-FILED; Baltimore County Circuit Court
Docket: 2/9/2024 11:32 AM; Submission: 2/9/2024 11:32 AM
Envelope: 17171586

☐ SUPREME COURT OF MARYLAND ☐ APPELLATE COURT OF MARYLAND
☒ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 401 Bosley Ave Towson MD 21204
Court Address

STATE OF MARYLAND
OR
Telephone
Case No. C-03-FM-22-005009

Meghan Maggio
Plaintiff/Petitioner

vs.

Blake Hadel
Defendant/Respondent

NOTICE REGARDING RESTRICTED INFORMATION PURSUANT TO RULE 20-201.1

→Please DO NOT use this form to file into the following case types: Adoption, Emergency Evaluation, Extreme Risk Protective Order (ERPO), Guardianship, Juvenile, Gender Declaration, or a Criminal Case in which a Motion to Transfer Jurisdiction to the Juvenile Court is pending. By rule or statute these case types are not subject to inspection.

Title of confidential submission: Sarah Spitalnick's Declaration

☐ 1. **RESTRICTED DOCUMENT - The entire document is not subject to inspection.**

- ☐ **Child Abuse/Neglect:** record created by an agency concerning child abuse or neglect required by statute to be kept confidential. *Rule 16-914(d); Family Law Article, § 5-707; Human Services, § 1-202 and § 1-203*
- ☒ **Financial Information:** information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness. *General Provisions Article, § 4-336*
- ☐ **Financial Statement:** filed pursuant to Rule 9-202, a Child Support Guidelines Worksheet filed pursuant to Rule 9-206, or a Joint Statement of Marital and Non-Marital Property filed pursuant to Rule 9-207. *Rule 16-914(l)*
- ☐ **Hearing Closed to the Public:** recording/transcript of hearing closed to the public. *Rule 16-914(g)*
- ☐ **Marital Property:** Joint Statement of Marital and Non-Marital Property. *Rule 16-914(l)*
- ☐ **Marriage License Application:** until the effective date of the license. *Rule 16-912(c)*
- ☐ **Medical Report:** or other correspondence from a doctor or health care professional. *Rule 16-914(i)*
- ☐ **Parenting Plan/Joint Statement:** prepared and filed under Rules 9-204.1 and 9-204.2. *Rule 16-914(o)*
- ☐ **Peace Order Denied/Dismissed/Consented - Shielded:** case records shielded under Courts Article § 3-1510(b). *Rule 16-914(c)*
- ☐ **Pregnancy - Marriage License Application:** certification of pregnancy of a person under 18 from doctor or nurse practitioner in an application for a marriage license. *Rule 16-912(c)*
- ☐ **Presentence Investigation Report:** (confidential until entered into evidence) *Rule 16-914(f)(6)*
- ☐ **Protective Order Denied/Dismissed/Consented - Shielded**: case records shielded under FL Article § 4-512(b)(2). *Rule 16-914(c)*
- ☐ **Refusal to Testify:** case record maintained under Code, Courts Article, § 9-106 of the refusal of an individual to testify in a criminal action against the individual's spouse. *Rule 16-914(f)(5)*
- ☐ **Sealed or Shielded:** (entire document) by court order. *Rule 16-934 & 16-914(k)(1)*
- ☐ **Sealing or Shielding Motion:** while pending, but not to exceed five (5) business days. *Rule 16-934 & 16-914(k)(2)*
- ☐ **Tax Returns:** state and federal tax returns. *Rule 16-914(j)*
- ☐ **Other:** _____ Rule or Statute: _____
- ☐ **DOCUMENT FROM A CONFIDENTIAL CASE TYPE FILED INTO A NON-CONFIDENTIAL CASE TYPE. Confidential Case type: ☐ Child Adoption ☐ Emergency Evaluation ☐ ERPO ☐ Guardianship of a Child ☐ Juvenile Court case record ☐ Gender Declaration ☐ Other: (explain)** _____

☐ 2. **CONFIDENTIAL INFORMATION - The document itself is subject to public inspection but contains confidential information that is not open to public inspection.**

That information consists of _____.
(Give a description of the information and not the actual restricted information.)

The information is made confidential by Rule(s) _____ or by court order dated _____.

Pursuant to Rules 20-201.1 and 1-322.1, accompanying the document is a redacted version that does not contain the confidential information.

02/08/2024
Date

Sarah Spitalnick
Signature

23112901
Attorney Number

Sarah Spitalnick
Printed Name

Fax

(484)332-0454
Telephone Number

23 Walker Ave. Suite 207
Address

sarahspitalnickesq@gmail.com
E-mail

Pikesville MD 21208
City, State, Zip

Reset

MDJ-008 (Rev. 06/2023)

E-FILED; Baltimore County Circuit Court
Docket: 3/26/2024 11:28 AM; Submission: 3/26/2024 11:28 AM
Envelope: 15882978

MEGHAN MAGGIO,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
BLAKE HADEL,	)	BALTIMORE COUNTY
	)	
Defendant	)	Case No: C-03-FM-22- 005009

DEFENDANTS FIRST AMENDED PETITION TO MODIFY CUSTODY AND CHILD SUPPORT

COMES NOW, the Defendant, Blake Hadel (hereinafter "Defendant" or "Father") by and through his attorney, Sarah Spitalnick Esq. herby files this First Amended Petition for Modification of Custody and Child Support (hereinafter "Petition") and in support thereof states:

1. That this Court has jurisdiction over this case pursuant to the *Family Law Article* of the Maryland Annotated Code.
2. That this Court has venue over this case pursuant to the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code.
3. That the Defendant is a resident of Baltimore County, where he has resided for more than six (6) months prior to the filing of this Petition.
4. That the parties are the biological parents of one (1) child, namely Sofia Lynn Hadel, born in March of 2021.
5. That the Plaintiff filed a Complaint for Custody in the above captioned matter on September 9, 2022. *See* Docket Entry 1. On March 22, 2023, the Magistrate released their Report and Recommendations, which were then written into the Custody and Child Support Order filed on April 7, 2023.

6. The April 7, 2023 Order gave Plaintiff Sole Legal Custody and Primary Physical Custody of the minor child and the minor child's principal residence shall be with the Plaintiff. It was ordered that Defendant have supervised visitation and access to the minor child and pay child support in the amount of $860.00. *See* Exhibit A.
7. Since the entry of the Custody and Child Support Order there has been a material change in circumstances which warrants a modification in Child Support and Custody.

Child Support

8. According to the Magistrate's Report and Recommendation, Defendants income was $2,296.67 a month based on Maryland guidelines and Plaintiffs testimony. This amount is an incorrect representation of the Defendants income. Defendants' monthly income is $1,079.00.
9. Defendants' income is significantly lower than what was used in determining the child support amount.

Child Custody

Parental Fitness

10. According to the Child Custody Order, Defendant is an unfit father, who is only allowed supervised visitation at the mothers' discretion.
11. Defendant was deemed an unfit father based on the Plaintiffs and the Plaintiffs witness testimony at the Custody Hearing on March 22, 2023.
12. The Plaintiff and her witness Ms. Rachael Kimmett, testified that the Defendant is an illegal drug user, resides in an unhospitable home, has never taken care of the child, is violent and a danger to the Minor Child, and has not paid any child support. All of these allegations are completely false.
13. Defendant is not an illegal drug user, and this can easily be shown through a drug test. The only medications the Defendant takes are prescribed to him by his primary care physician.
14. Plaintiff also has a history of prior illegal drug use, where on one occasion she had to be rushed to a local hospital for an illegal drug related innocent.

15. Plaintiff's history of drug abuse has extended to after the Minor Child is born. *See* Exhibit B and C
16. Plaintiffs witness, Ms. Kimmett, has a history of domestic abuse and child abuse, where on one occasion she received a temporary protective order to stay away from and refrain from abusing her minor child. On another occasion she had received a permanent peace order against her by another individual.
17. Plaintiffs and Ms. Kimmett's description of the Defendants home are widely inaccurate and irrelevant to this matter. The Defendant lives in a three (3) bedroom home that is a suitable residence and not a "frat house" as Ms. Kimmett described.
18. Plaintiff has contradicted herself on her opinion of Defendants house and its suitability. Right after the Minor Child was born Plaintiff and the Minor Child partially resided at Defendant's home. Plaintiff and Minor Child would have continued to partially reside at Defendants home if Defendant continued to allow it. Plaintiff obviously considered Defendants home suitable right after the Minor Child was born, and since then Defendant has only made improvements on his home.
19. Even with the Defendants home being a suitable residence, he has decided that when he has custody of the Minor Child, he will reside at his mothers home. Defendants mother, Brenda Hopka-Hadel, has a suitable residence for the Minor Child to stay, including a bedroom solely for the Minor Child. This not only gives the Minor Child a suitable residence to partially live at but also gives Defendants family the ability to build a relationship with the Minor Child.
20. Defendants mother has voluntarily and fully agreed to allow the Defendant and Minor Child to reside with her while Defendant has custody of the Minor Child. *See* Exhibit D
21. Since the birth of the Minor Child, the Defendant has attempted to take care of the Minor Child and had been present in the Minor Childs life.
22. Shortly after the birth of the Minor Child, Defendant had allowed Plaintiff and Minor Child to stay at his residence to foster a relationship and take care of the Minor Child.

23. The only reason the Defendant stopped allowing Plaintiff and Minor Child to stay at his residence was due to the Plaintiff's unwelcomed and continuous attempts to start a romantic relationship with the Defendant. The Defendant had made it clear to the Plaintiff he had no intentions of being in a romantic relationship with her and he only wanted to foster a relationship with the Minor Child.
24. After Defendant told the Plaintiff she is no longer welcome at his residence, he attempted to still foster a relationship with the Minor Child, but that was short lived due to the Plaintiffs behavior.
25. Every time Defendant would attempt to spend time with the Minor Child, Plaintiff would still push to reconcile with Defendant and have a romantic relationship together. This caused constant arguments and tension, which neither are healthy for either party or the Minor Child.
26. Wanting to avoid altercations and arguments with Plaintiff, Defendant attempted to have visitation with the Minor Child without the Plaintiff present, which the Plaintiff fought on most occasions.
27. Once the Defendant realized there was very little chance of him being able to foster a relationship with the Minor Child without the Plaintiff present, he withdrew his attempts to see the Minor Child to avoid altercations and arguments.
28. At no point since the birth of the Minor Child did Defendant lose interest in taking care of the Minor Child or not want to foster a relationship with her.
29. Defendant has only ever wanted to take care of the Minor Child and be in her life as an active Father.
30. Defendant has no prior history of violent behavior, especially no history of violent behavior towards the Minor Child. This allegation by Plaintiff that Defendant is violent is not only completely false but also vindicative. This false allegation was only brought by Plaintiff to punish Defendant and retaliate against him for not allowing her and the Minor Child to reside with him.
31. Defendant has also paid all his child support as of November 30, 2023.

32. Defendant has a suitable home, is not a danger to the Minor Child, actively wants to be a present Father, and has attempted to kept up with his child support payments as well as he could since his current income cannot support his current child support obligations. There is no sound reason why Defendant should not be deemed a proper and fit parent to the Minor Child.

Best Interest of the Child

33. Defendant is requesting partial physical custody and joint legal custody of the Minor Child.
34. Defendant is requesting to have physical custody of the Minor Child every other weekend from Friday pm through Sunday am.
35. Defendant is requesting joint legal custody of the Minor Child, where both Plaintiff and Defendant have equal weight in determining major decisions in the Minor Childs life.
36. The Best Interest of the Child is the standard for determining physical and legal custody. It is within the best interest of the Minor Child that Defendant has partial physical custody and that Plaintiff and Defendant have joint legal custody.
37. Since the March Order, Defendant has only been able to have supervised visitation with the Minor Child at the Plaintiffs deference. This has harmed Defendants ability to see the Minor Child and has harmed the Plaintiffs mental health and ability to care for the Minor Child. *See* Exhibit E.
38. The best interest for the Minor Child would be for the Minor Child to be able to spend time with both Plaintiff and Defendant and their respective families. Plaintiff has stated such in her communications with the Defendant.
39. Plaintiff has also stated that she wants and believes that it is in the best interest of the Minor Child to have shared physical custody and joint legal custody with Defendant. Plaintiff has stated such to Defendant in text communications. *See* Exhibit F.
40. Plaintiff has repeatedly asked Defendant for help in the care of the Minor Child, which if Defendant could have unsupervised custody of the Minor Child, he would have gladly stepped in

to help. But due to Defendant only being allowed supervised visitation, it makes his ability to help very difficult.

41. The Plaintiff has acted with bad faith in her earlier testimony and pleadings.
42. Plaintiff has stated in communication with Defendant that she would only agree to modify the custody order if Defendant acts in a certain way that Plaintiff deems correct to obtain custody of the Minor Child. Plaintiffs request of Defendant shows she is not interested in the best interest of the child, she is more interested in Defendant proving his devotion to herself and the child, not solely the child.
43. Plaintiff has repeatedly communicated with Defendant what she deems Defendant needs to do to be "trusted", in her eyes, to have custody of the Minor Child. All the demands she has communicated to Defendant that she needs to see to modify the custody order pertain to the Defendant calling the Plaintiff and Minor Child, going to doctors appointments, and spending time with both Plaintiff and Minor Child. Yet in Plaintiffs prior testimony and pleadings she states that Defendant cannot be a fit parent due to drug use, unsuitable home, he's violent, and he's a danger to the Minor Child and herself. Obviously if all Plaintiff needs to see is Defendant calling more, going to doctors appointments, and spending time with Plaintiff and Minor Child to change the custody order, she never truly believed Defendant is a danger to herself or Minor Child, that he's an illegal drug user, or that his home is unsuitable for the Minor Child.
44. Plaintiff has repeatedly shown she is more interested in gaining high child support against the Defendant to punish him for not wanting a romantic relationship with her then gaining the support the Minor Child needs. *See* Exhibit G.
45. Plaintiff on multiple occasions, since the March Order was given, stated that she would go to court and reduce or eliminate the child support. These actions show her intentions with gaining child support is not based on the child's needs or the best interest of the child, but her intentions in trying to build a romantic relationship with the Defendant.

46. Plaintiff was acting in bad faith when she filed her complaint and testified in the Custody hearing, which can be seen through her social media posting. *See* Exhibit H and I.
47. Plaintiff knows the best interest of the Minor Child is to have shared physical and legal custody of the Minor Child, she has repeated such in her communications with the Defendant.
48. It is not within the best interest of the Minor Child to have one of her parents not able to help solely due to the fact Defendant is not allowed to be alone with the Minor Child.
49. It is not within the best interest of the Minor Child to only have the Minor Child build a relationship with one side of her family, Plaintiffs, and not the other, the Defendants.
50. Defendant and Defendants family want to be able to foster a relationship with the Minor Child and that has proven very difficult with the Defendant not having any custody of the Minor Child.
51. Defendant is filing this Petition in good faith and in the best interest of the Minor Child. Defendant only wants to be able to be the active father he has always wanted to be and do what's best for Minor Child.
52. The Defendant knows of no other cases involving the custody of the Minor Child.
53. That there are no other parties who have an interest in the custody of the Minor Child except the parties hereto who are the biological parents of the Minor Child.

Plaintiffs' inability to communicate and continued bad faith

54. The standing custody order requires Plaintiff and Defendant to work between themselves to schedule visitation. Plaintiff has all the control to create the visitation and the visitation is done according to Plaintiff's deference.
55. The standing custody order has been shown to not be within the best interest of the Minor Child due to the Plaintiff's inability to schedule actual visitation with Defendant and work with Defendant to create a regular visitation schedule.
56. Plaintiff and Defendant, throughout the last year, have attempted into create visitation for the Defendant to spend time with the Minor Child. These attempts have shown to be

futile and ended with the Plaintiff requiring all visitation to be scheduled through attorney's due to her inability to communicate and her unwillingness to schedule visitation directly with the Defendant.

57. Plaintiff has repeatedly told Defendant that their communication is not in a place where they can create a visitation schedule without involving third parties.

58. Plaintiff has shown she is incapable of separating her personal feelings towards the Defendant and what is in the best interest of the Minor Child.

59. Within the past months, Plaintiff has shown she is willing to work with the Defendant and made a custody plan that is in the best interest of the Minor Child. But the moment the Defendant does not do what the Plaintiff wants, she changes her position and no longer is willing to alter the custody plan.

60. Plaintiff knows, and have stated to the Defendant, that it is within the best interest of the Minor Child to have a consistent visitation schedule with the Defendant and that the Defendant have the ability to help with the Minor Child when she is sick, or the Plaintiff needs help.

61. Even with the Plaintiff's knowledge that the Minor Child deserves to have a father that can be a present father, when she becomes angry or displeased at the Defendant, she threatens or actively with holds the Minor Child from the Defendant.

62. Aside from the Plaintiff refusing the Christmas Eve visitation the day of, due to the Plaintiff being angry at the Defendant filing a Protective Order against her, she has continued to threaten and withhold the Defendant's ability to see the Minor Child.

63. Plaintiff has repeatedly stated that she will only do what the standing custody order requires of her, she won't do anything more. Plaintiff has expressly stated that the

standing order only requires her to offer visitation at her deference, to which she has interpreted as offering visitation that is only plausible for her, not the Defendant.

64. Plaintiff has offered visitation to the Defendant, which is not plausible for the Defendant, and when Defendant tells Plaintiff it is not plausible, she states that he is denying visitation. Plaintiff does not attempt to make plausible visitation for Defendant or if she does it's at a last-minute notice, she merely offers visitation when it works for her and when it is not plausible for the Defendant, she states he denies visitation.

65. Plaintiff also has a documented history of canceling and changing visitation at the last moment, and when Defendant cannot bend to her ever changing visitation opportunities, she accuses of him denying visitation and not caring about the Minor Child.

66. On or about March 23, 2024, Plaintiff and Defendant had a scheduled visitation, but due to Plaintiff ignoring Defendant's request for a signed document from her stating the tracking device information/plan, the visitation was canceled Friday the 22nd. Plaintiff was well aware of the visitation being canceled due Plaintiffs failure to provide the requested signed document, but on the morning of the 23rd Plaintiff attempted to communicate about the tracking devices plan to move forward with the visitation. This attempt was made a mere 3 hours before the canceled visitation was to take place, and Plaintiff still failed to provide the requested signed document.

67. Instead of the Plaintiff supplying the requested signed document, she simply stated she gave the Defendant want he needed and that voided the cancelation of the visitation. Plaintiff, knowing visitation was still canceled, prepared and drove the child to the exchange point for visitation. Once there she began to contact both the Defendant and his

mother acting surprised that no one was at the drop off location and demanding to know when the Defendant will be there to exchange the Minor Child.

68. Plaintiff knew visitation was canceled, yet still drove the Minor Child to the exchange location and got the Minor Child ready for visitation. Plaintiff would rather get the Minor Child excited for visitation and drive her a half hour to the exchange location, knowing no one would be meeting her, just so that she could create the narrative that the Defendant was skipping his visitation opportunity.

69. Plaintiff again, showing she puts her personal feelings towards the Defendant above what is best for the Minor Child. She would rather get the Minor Child ready for visitation, knowing visitation was canceled, and play with the Minor Childs emotions just so that she could create a narrative that the Defendant skipped visitation without notice.

70. Not only did the Plaintiff again attempt to change visitation at the last moment, but she also put her wanting to set the Defendant up to look like an uncaring father above the Minor Childs emotions. She'd rather set the Defendant up to look bad, then make sure the Minor Child was not let down or her emotions were not being played with.

71. Plaintiff uses the Minor Child and the standing custody order against the Defendant to control his behavior and make him act in accordance with what she deems acceptable. When the Defendant does what the Plaintiff wants, she offers to drive to his house with the Minor Child, she offers plausible visitation, and she agrees to changing custody. But the moment the Defendant disagrees with the Plaintiff, she threatens to withhold the Minor Child or raise child support and reminds the Defendant he has no say in the Minor Child's life and that she only has to do the bare minimum of what the standing custody order requires of her.

72. Plaintiff has shown her bad faith when working with the standing custody order when Defendant had attempted to know where the Plaintiff is taking the Minor Child for vacations. Plaintiff notified Defendant that she will be taking the Minor Child on three separate vacations this year. When Defendant asked where these vacations would take place, Plaintiff refused to tell the Defendant the location of the vacations and stated she has no legal obligation to tell him the locations of the Minor Childs vacations.

73. Plaintiff, in the past when she was not displeased with the Defendant, had easily notified the Defendant of the vacations the Minor Child went on, but recently since the Plaintiff has become displeased with the Defendant, she refuses to notify the Defendant of the locations of the Minor Child's vacation stating that she has no obligation to do so.

74. Even though the Defendant has not had custody of the Minor Child, he does attempt to coparent with the Plaintiff, to which he is met with Plaintiffs dismissal or anger. Defendant has attempted to co parent when it comes to the Minor Child's health and daycare, to which Plaintiff does not entertain, again stating she has all the control over the Minor Child and that the Defendant's opinions, concerns or wants mean nothing and are unwelcomed.

75. Recently, through their attorneys, that parties scheduled two visitations for the Defendant to spend time and bond with the Minor Child. Directly after the first visitation, that was held in February of 2024, the Plaintiff was angry at the Defendant and had texted him "Visitation is canceled. Congratulations Blake". Plaintiff was enraged after the Defendant was not present at the drop off exchange, and imminently told him due to that, she would no longer allow any visitation. It was only after a few days, and speaking with her attorney, did she rescind her complete denial of visitation to the Defendant. Plaintiff

again showed she allows her personal feelings towards the Defendant to dictate his ability to have visitation.

76. During the February visitation, the Minor Child had a wonderful time with the Defendant and his family. The Minor Child was not put in any situation that would require the Plaintiff to halt any future visitations. Plaintiff's initial denial of any future visitations was not based on the safety or needs of the Minor Child, it was solely based on her becoming enraged with the Defendant.

77. Plaintiff has had the past eleven months to show she can be trusted with complete control over the Minor Child and complete control over Defendants ability to see the Minor Child, to which she has failed.

78. The court ordered the standing custody order with the intent that Plaintiff will make every decision in regard to the Minor Child with the best interest of the child at the forefront. Since the order has been in place the Plaintiff has shown that she is incapable of putting the Minor Child's best interest first, but instead puts her own feelings and wants first.

79. Plaintiff does not have the ability to separate her personal feelings towards the Defendant and the best interest of the Minor Child. Plaintiff does not have the ability to work in good faith with the custody order, instead she continuously works in bad faith using the custody order against the Defendant as the reason why she can dismiss his concerns and opinions regarding the Minor Child.

80. Plaintiff has also shown she does not have the ability to communicate with the Defendant in regards to setting up a visitation schedule without third parties being involved, making her ability to follow the standing custody order impossible.

81. Plaintiff does not have the ability to schedule visitation without third parties, she uses the standing custody order in bad faith to control the Defendant's behavior and ignore his concerns completely, and she cannot separate her personal feelings towards the Defendant and the best interest of the Minor Child, thus the standing custody order is no longer in the best interest of the Minor Child and needs modification.

Plaintiff's continued stalking of the Defendant

82. Plaintiff has a history of stalking and harassing the Defendant due to him not wanting a romantic relationship with her.
83. In December of 2023 the Defendant filed for a Protective Order against the Plaintiff due to her continued stalking of him; Case No. D-08-FM-23-829061 and C-03-FM-24-812218.
84. The Defendant filed for the Protective Order against the Plaintiff because he sincerely believes that the Plaintiff poses a danger to him if he continues to reject her romantic advances.
85. Despite the Defendant making it crystal clear to the Plaintiff he does not want anything to do with her, besides when it relates to the Minor Child, the Plaintiff has continued to find ways to know where the Defendant is at and who he is with.
86. As recent as February 2024, the Plaintiff is still finding out who the Defendant communicates with and contacts those people to defame the Defendant and encourage them to halt their communication and interactions with the Defendant.
87. On March 16, 2024, Defendant and his mother had visitation with the Minor Child. During that visitation, the Defendant noticed a small object that was sown into the Minor Childs jacket, after close inspection of the small object it was found to be a Tile tracking device.
88. The Defendant and his mother were alarmed and frightened to find that the Plaintiff had hid a tracking device on the Minor Child without their knowledge.
89. The Plaintiff had not notified or warned the Defendant or his mother that there would be a tracking device on the Minor Child during this visitation.

90. There had never been a tracking device on the Minor Child during any previous visitations.

91. When Defendant had addressed the tracking device to the Plaintiff, she stated that she has always tracked the Minor Child for her safety.

92. The Defendant responded stating that he does not consent to the Minor Child being tracked by her while the Minor Child is in his care. To which the Plaintiff responded that she is the Minor Childs mother and is allowed to track the Minor Child at all times.

93. With the Plaintiff never tracking the Minor Child in the Defendants care prior to March 16, 2024, the tracking device being hidden on the Minor Child, her lack of notifying the Defendant of the tracking device, and her prior history of stalking the Defendant, it is obvious the tracking device was not hidden on the Minor Child for the Minor Child's safety but so the Plaintiff could continue to stalk the Defendant.

94. The Defendant and his mother take this tracking device extremely seriously and are frightened by the escalating stalking by the Plaintiff. All the Plaintiff had to do was notify the Defendant or his mother that the tracking device was on the Minor Child, but she instead hid this information from the Defendant so that she could secretly track him.

95. The Defendant went as far as to require the Plaintiff to give her written confirmation that during future visitations that the Minor Child will not have any tracking devices on her person. Defendant made it clear that if the Plaintiff would not confirm that the Minor Child would not be tracked during future visitations or if she was being tracked that the Defendant would have full access to tracking device 24/7, that he could not move forward with visitations due to the threat the Plaintiff posed against him.

96. Instead of the Plaintiff confirming she will not be tracking the Minor Child in the Defendants custody, she completely ignored the Defendants request for confirmation. Instead, the day of visitation the Plaintiff attempted to share the tracking information with the Defendant but still denied his request for a signed document.

97. Plaintiff refusing to send a signed document regarding the tracking of the Minor Child, she has made any future visitations, at her deference, impossible for the Defendant.

98. The Defendant requires a signed document from the Plaintiff regarding the tracking of the Minor Child due to the Plaintiff stating she will share the tracking information at the last minute, the Plaintiff contradicting herself if she will be sharing the tracking information only during visitation or 24/7, her history of stalking the Defendant, and her history of changing her mind based on if she is displeased with the Defendant or not.

99. Plaintiff has no rational reason to refuse the Defendants request for written confirmation regarding the tracking of the Minor Child, especially due to the Defendants mother supervising all visitations.

100. Plaintiff is again allowing her personal feelings towards the Defendant to bar his ability to be in the Minor Child's life, which is not within the best interest of the Minor Child.

101. Plaintiff is more concerned with her ability to stalk the Defendant while the Minor Child is in his care, then she is with allowing the Minor Child to spend quality time with the Defendant and his family.

102. Plaintiff cannot be trusted to be the sole decision maker regarding the Minor Child due to her inability to put what's best for the Minor Child first, thus the standing custody order is no longer in the best interest of the Minor Child.

WHEREFORE, the Defendant respectfully requests:

A. That the Court deem the Defendant a fit and proper parent.

B. That the Court grant Defendant joint legal custody of the Minor Child.

C. That the Court grant Defendant shared physical custody of the Minor Child, where the Defendant has custody every other weekend of the Minor Child.

D. That the Court grant Defendants request in reduction of Child Support according to the Child Support Guild Lines.

E. That the Court require a third party at all exchanges for the Minor Child for custody or visitation.

F. That the Court require the parties only communicate through the parenting app, AppClose.

G. That the Court require no tracking of the Minor Child by either party while the child is in the other party's custody.

H. That Defendant be awarded such other and further relief as the nature of his cause may require.

Respectfully Submitted,

Sarah Spitalnick

Sarah Spitalnick Esq.
23 Walker Ave, Suite 207
Baltimore, MD 21208
Phone: (484) 332-0454
CPF: 23112901
sarahspitalnickesq@gmail.com
Counsel for Defendant

MARYLAND RULE 20-201 CERTIFICATION

I HEREBY CERTIFY that this submission does not contain any restricted information. or, if it does contain restricted info1mation, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of the above-referenced rule.

Sarah Spitalnick

Sarah Spitalnick Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March 2024, a copy of the foregoing First Amended Petition to Modify Custody and Child Support, was sent via MDEC to:

W. Bradley Bauhof, Esq.
W. Bradley Bauhof LLC
8 N. Court Street, Suite A
Westminster, Maryland 21157
Counsel for Plaintiff

Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Defendant

E-FILED; Carroll Circuit Court
Docket: 5/19/2025 2:16 PM; Submission: 5/19/2025 2:16 PM
Envelope: 21257985

☐ SUPREME COURT OF MARYLAND ☐ APPELLATE COURT OF MARYLAND
☒ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Carroll County (CC)
City/County

Located at 55 N. Court Street Westminster, MD 21157
Court Address

STATE OF MARYLAND
OR
Telephone 410-386-8710
Case No. C-06-CV-24-000259

Blake Hadel
Plaintiff/Petitioner
vs.
Kyleigh Midkiff
Defendant/Respondent

NOTICE REGARDING RESTRICTED INFORMATION PURSUANT TO RULE 20-201.1

→Please DO NOT use this form to file into the following case types: Adoption, Emergency Evaluation, Extreme Risk Protective Order (ERPO), Guardianship, Juvenile, Gender Declaration, or a Criminal Case in which a Motion to Transfer Jurisdiction to the Juvenile Court is pending. By rule or statute these case types are not subject to inspection.

Title of confidential submission: Defendant's Opposition to Plaintiff's Motion for Summary Judgement

☐ 1. **RESTRICTED DOCUMENT - The entire document is not subject to inspection.**

- ☐ **Child Abuse/Neglect:** record created by an agency concerning child abuse or neglect required by statute to be kept confidential. *Rule 16-914(d); Family Law Article, § 5-707; Human Services, § 1-202 and § 1-203*
- ☐ **Financial Information:** information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness. *General Provisions Article, § 4-336*
- ☐ **Financial Statement:** filed pursuant to Rule 9-202, a Child Support Guidelines Worksheet filed pursuant to Rule 9-206, or a Joint Statement of Marital and Non-Marital Property filed pursuant to Rule 9-207. *Rule 16-914(l)*
- ☐ **Hearing Closed to the Public:** recording/transcript of hearing closed to the public. *Rule 16-914(g)*
- ☐ **Marital Property:** Joint Statement of Marital and Non-Marital Property. *Rule 16-914(l)*
- ☐ **Marriage License Application:** until the effective date of the license. *Rule 16-912(c)*
- ☐ **Medical Report:** or other correspondence from a doctor or health care professional. *Rule 16-914(i)*
- ☐ **Parenting Plan/Joint Statement:** prepared and filed under Rules 9-204.1 and 9-204.2. *Rule 16-914(o)*
- ☐ **Peace Order Denied/Dismissed/Consented - Shielded:** case records shielded under Courts Article § 3-1510(b). *Rule 16-914(c)*
- ☐ **Pregnancy - Marriage License Application:** certification of pregnancy of a person under 18 from doctor or nurse practitioner in an application for a marriage license. *Rule 16-912(c)*
- ☐ **Presentence Investigation Report:** (confidential until entered into evidence) *Rule 16-914(f)(6)*
- ☐ **Protective Order Denied/Dismissed/Consented - Shielded**: case records shielded under FL Article § 4-512(b)(2). *Rule 16-914(c)*
- ☐ **Record of an Administrative Agency Proceeding:** case records shielded when the Administrative Agency Restricted Information Statement indicates the record contains restricted information under Rule 20-101(r). *Rule 16-914(r)*
- ☐ **Refusal to Testify:** case record maintained under Code, Courts Article, § 9-106 of the refusal of an individual to testify in a criminal action against the individual's spouse. *Rule 16-914(f)(5)*
- ☐ **Sealed or Shielded:** (entire document) by court order. *Rule 16-934 & 16-914(k)(1)*
- ☐ **Sealing or Shielding Motion:** while pending, but not to exceed five (5) business days. *Rule 16-934 & 16-914(k)(2)*
- ☐ **Tax Returns:** state and federal tax returns. *Rule 16-914(j)*
- ☐ **Other:** _____ Rule or Statute: _____
- ☐ **DOCUMENT FROM A CONFIDENTIAL CASE TYPE FILED INTO A NON-CONFIDENTIAL CASE TYPE. Confidential Case type: ☐ Child Adoption ☐ Emergency Evaluation ☐ ERPO ☐ Guardianship of a Child ☐ Juvenile Court case record ☐ Gender Declaration ☐ Other: (explain)** _____

☒ 2. **CONFIDENTIAL INFORMATION - The document itself is subject to public inspection but contains confidential information that is not open to public inspection.**

That information consists of an expunged police report.
(Give a description of the information and not the actual restricted information.)

The information is made confidential by Rule(s) 20-201.1 or by court order dated _____.

Pursuant to Rules 20-201.1 and 1-322.1, accompanying the document is a redacted version that does not contain the confidential information.

05/19/2025
Date

Sarah Spitalnick
Signature

23112901
Attorney Number

Fax

Sarah Spitalnick
Printed Name

484.332.0454
Telephone Number

23 Walker Ave Suite 207
Street Address

sarahspitalnickesq@gmail.com
E-mail

Pikesville MD 21208
City, State, Zip

E-FILED; Carroll Circuit Court
Docket: 5/27/2025 12:45 PM; Submission: 5/27/2025 12:45 PM
Envelope: 21360988

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S MOTION FOR SANCTIONS UNDER SEAL

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick, Esquire, respectfully submits this Motion for Sanctions Under Seal ("Motion") pursuant to Maryland Rules 1-341, 2-433, and 20-201.1, and the Court's inherent authority. Plaintiff brings this defamation action against Defendant for false and harmful social media posts. Defendant's repeated discovery violations, improper filing of an expunged police report, and untimely submission of discoverable materials have prejudiced Plaintiff, delayed the case, and violated Maryland law. These actions warrant sanctions under Maryland Rules 1-341, 2-433, 20-201.1, and the Court's inherent authority to deter misconduct and protect the judicial process.

For the reasons set forth below, Plaintiff requests that the Court impose sanctions, including striking the improper filing, deem the Supplemental Screenshots on May 19, 2025, inadmissible, awarding attorney's fees and costs, and granting other relief as deemed appropriate.

I. STATEMENT OF FACTS

1. This action arises from four social media posts by Defendant, published in June 2023 and July 2024, falsely accusing Plaintiff of: (a) sexually assaulting multiple women, (b) signing away parental rights due to inability to pay child support, (c) owing back child

support, and (d) facing a mugshot due to illegal activity. *See* generally Amended Complaint.

2. On October 3, 2024, Plaintiff served his First Set of Discovery Requests on Defendant, including Interrogatories and Requests for Production, with responses due by November 3, 2024, per Maryland Rule 2-421(b). (Ex. 1).
3. The Requests included: "Request No. 2: All documents you intend to use as evidence in this proceeding"; "Request No. 3: All documents used to verify your social media posts"; "Request No. 4: All communications with Meghan Maggio related to the allegations in the Amended Complaint"; and "Request No. 8: All documents supporting your defense of truth." *Id*.
4. Defendant failed to respond by November 3, 2024.
5. On November 6, 2024, Plaintiff's counsel contacted Defendant's counsel in good faith, granting an extension until November 15, 2024. (Ex. 2).
6. On November 15, 2024, Defendant produced 26 documents, which were incomplete and unresponsive to several requests, including Request No. 4.*Id.*
7. On December 5, 2024, Plaintiff sent a Deficiency Letter identifying deficiencies in Defendant's responses, with a response due by December 15, 2024.
8. Defendant failed to respond by December 15, 2024.
9. On December 17, 2024, Plaintiff's counsel granted an extension until December 30, 2024, after contacting Defendant's counsel. (Ex. 3).
10. Defendant failed to respond by December 30, 2024, but provided a partial response on January 2, 2025, after further prompting.

11. On April 18, 2025, Plaintiff sent a Second Deficiency Letter, noting continued deficiencies, including missing communications with Meghan Maggio. (Ex. 4).
12. Defendant failed to respond by April 28, 2025, prompting Plaintiff's counsel to follow up on April 29, 2025. Defendant responded on May 5, 2025. (Ex. 5 and 6).
13. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, causing delays and increasing Plaintiff's litigation costs.
14. On April 27, 2025, Plaintiff filed a Motion for Summary Judgment, resubmitted on April 30, 2025, due to a technical MDEC error. (Court Docket).
15. On May 14, 2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgment, attaching as "Exhibit 2" an expunged police report filed by Meghan Maggio against Plaintiff for domestic assault, dismissed and expunged on November 24, 2023.
16. Defendant filed Exhibit 2 on the public docket without a Notice of Restricted Information (Form MDJ-008), in violation of Maryland Rule 20-201.1. *See* generally Defendant's Opposition to Summary Judgement
17. Exhibit 2 was responsive to Plaintiff's Discovery Requests Nos. 2, 3, and 8 but was not disclosed during discovery, in violation of Maryland Rule 2-401 et seq.
18. Plaintiff was unaware of Defendant's possession of the expunged police report until May 14, 2025.
19. A search on Maryland Judiciary Case Search confirms Plaintiff has no criminal history, consistent with the expunged status of the police report.
20. Defendant has not explained how she obtained the expunged police report or why it was not disclosed during discovery.

21. Exhibit 2 is referencing a police report made in 2022, well before this matter was filed.
22. Exhibit 2 was discoverable during the discovery period for this matter.
23. Defendant has given no argument on why Exhibit 2 was not disclosed in discovery.
24. On May 16, 2025, Plaintiff filed a Reply to Defendant's Opposition, arguing that Exhibit 2 was inadmissible due to its expunged status.
25. On May 19, 2025, after discovery closed and Plaintiff's Reply was filed, Defendant supplemented her discovery responses with screenshots of communications between herself and Meghan Maggio ("Supp. Screenshots"). (Ex. 7)
26. The Supp. Screenshots include Defendant requesting "evidence" from Maggio about Plaintiff, referencing "drugs" and "custody," and mentioning an unknown third party.
27. These communications were responsive to Request No. 4 but were not produced despite four requests during discovery. *Id.*
28. Defendant, who admitted to being best friends with Maggio, provided no justification for failing to disclose these communications earlier.
29. Within the Supp. Screenshots, are further screenshots of photos, court documents, and other screenshotted text communications, all of which were taken/ordered between 2022 and 2023, well before this matter was ever filed. *Id.*
30. Within the Supp. Screenshots, Defendant messages Ms. Maggio, to which Ms. Maggio immediately responds with the requested information. *Id.*
31. Defendant could have easily obtained these screenshots and "evidence" at any point during discovery, yet not only failed to do so but failed to do so four times when requested by Plaintiff.
32. Defendant only disclosed and/or obtained the screenshots after Plaintiff filed his Reply.

33. The untimely disclosure prejudices Plaintiff, who can no longer investigate the Supp. Screenshots, authenticate the communications, or identify the third party due to the close of discovery.
34. Had Defendant disclosed Exhibit 2 and the screenshots during discovery, Plaintiff could have moved to bar their use, conducted further discovery, and mitigated harm to his reputation.

LEGAL STANDARD

Maryland Rule 1-341

Maryland Rule 1-341 authorizes sanctions, including attorney's fees and costs, for filings made in bad faith, for an improper purpose, or without substantial justification. In *Blum v. Blum*, 59 Md. App. 584, 604 (1984), cert. denied, 301 Md. 639 (1984), the Court of Special Appeals upheld sanctions for bad faith filings that prolonged litigation. Similarly, in *Needle v. White, Mindel, Clarke & Hill*, 81 Md. App. 463, 476 (1990), sanctions were affirmed for pursuing claims without substantial justification, emphasizing deterrence of frivolous conduct.

Maryland Rule 2-433

For discovery violations, Maryland Rule 2-433 permits sanctions such as striking pleadings, precluding evidence, or awarding costs. In *Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 730 (2002), the Court of Special Appeals affirmed sanctions for willful discovery violations that prejudiced the opposing party. In *Bartholomee v. Casey*, 103 Md. App. 34, 48 (1994), the exclusion of undisclosed evidence was upheld to enforce discovery rules.

Maryland Rule 20-201.1

Filing restricted information on the public docket without a Notice of Restricted Information violates Maryland Rule 20-201.1. In *Reid v. State*, 305 Md. 9 (1985) the Court of Appeals emphasized protecting confidential records to prevent harm to privacy interests.

Criminal Procedure Article § 10-101 et seq.

Expunged records are confidential, and public disclosure violates Maryland law. In *State v. WBAL-TV*, 187 Md. App. 135, 151 (2009), the Court of Special Appeals underscored the confidentiality of expunged records. *See also Thomas v. State*, 397 Md. 557, 570 (2007) (affirming statutory protections for expunged records).

Court's Inherent Authority

The Court has inherent authority to sanction bad faith conduct that abuses the judicial process. *Taliaferro v. State*, 295 Md. 376, 390-91 (1983) (upholding sanctions for conduct undermining court proceedings).

ARGUMENT

Defendant's Discovery Violations Warrant Sanctions Under Rule 2-433

Defendant's willful failure to comply with discovery obligations prejudiced Plaintiff and delayed the case. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, despite Plaintiff's good-faith extensions. Defendant failed to produce communications with Meghan Maggio, responsive to Request No. 4, until May 19, 2025, well after discovery closed. The untimely disclosure of these Supp. Screenshots, which Defendant could have obtained earlier given her close relationship

with Maggio, prejudiced Plaintiff's ability to investigate or authenticate the evidence. Under *Hossainkhail*, 143 Md. App. at 730, such willful violations justify sanctions, including exclusion of the untimely evidence (*Bartholomee*, 103 Md. App. at 48).

Plaintiff requested these screenshots and other responsive discoverable documents multiple times during discovery, to which Defendant repeated no documents exist (i.e. Exhibit 2 and Supp. Screenshots). Defendant has given no reason on why these documents were not produced or secured during discovery. Defendant only disclosed the Supp. Screenshots after Plaintiff's Reply was filed. Defendant avoided securing and disclosing these documents until after discovery was closed and Plaintiff would not have the ability to investigate them further. Plaintiff requests that the May 19, 2025, screenshots be deemed inadmissible and that attorney's fees be awarded for costs incurred due to Defendant's non-compliance.

Defendant's Improper Filing of an Expunged Police Report Violates Rules 20-201.1 and 1-341

Defendant's filing of an expunged police report (Exhibit 2) on the public docket without a Notice of Restricted Information violated Maryland Rule 20-201.1 and Criminal Procedure Article § 10-101 et seq. (Facts 15-16). The report, dismissed and expunged on November 24, 2023, was confidential, and its public disclosure harmed Plaintiff's privacy and reputation *State v. WBAL-TV*, 187 Md. App. at 151. Defendant's failure to disclose the report during discovery, despite its responsiveness to Requests Nos. 2, 3, and 8, further violated Maryland Rule 2-401 et seq. This conduct lacks substantial justification and constitutes bad faith under Rule 1-341, as it unnecessarily prolonged litigation and caused harm (*Blum*, 59 Md. App. at 604). Plaintiff requests

that Exhibit 2 be stricken from the docket and sealed, with attorney's fees awarded for the costs of addressing this violation.

Defendant's Conduct Abuses the Judicial Process, Warranting Sanctions Under the Court's Inherent Authority

Defendant's pattern of missing deadlines, withholding discoverable materials, and filing confidential records demonstrates bad faith and abuse of the judicial process. By waiting until after Plaintiff's Reply to produce communications with Maggio, Defendant attempted to circumvent discovery rules and prejudice Plaintiff's case. Under *Taliaferro*, 295 Md. at 390-91, the Court may impose sanctions to deter such conduct. Plaintiff requests additional relief, including a warning or other sanctions, to ensure compliance with court rules.

CONCLUSION

Defendant's willful discovery violations, improper filing of an expunged police report, and untimely submission of evidence have prejudiced Plaintiff, delayed the case, and violated Maryland law. Plaintiff respectfully requests that the Court: (1) strike Exhibit 2 from the docket and seal it; (2) deem the May 19, 2025, Supp. Screenshots inadmissible; (3) award attorney's fees and costs; and (4) grant such other relief as the Court deems appropriate.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May 2025, a true and correct copy of the foregoing Motion for Sanctions Underseal was sent via MDEC and email to counsel of record for Defendant:

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 5/27/2025 12:45 PM; Submission: 5/27/2025 12:45 PM
Envelope: 21360988

BLAKE HADEL, *Plaintiff*, v. KYLEIGH MIDKIFF *Defendant*,	)	IN THE CIRCUIT COURT FOR CAROLL COUNTY CASE NO: C-06-CV-24-000259

PLAINTIFFS FIRST REQUEST FOR INTEROGITORIES, PRODUCTION OF DOCUMENTS, AND REQUEST FOR ADMISSIONS TO DEFENDANT

TO: Defendant KYLEIGH MIDKIFF (hereinafter "Ms. Midkiff") 2841 Cedarhurst Rd. Finksburg MD, 21048.

Plaintiff BLAKE HADEL (hereinafter "Mr. Hadel"), by his attorney Sarah Spitalnick Esq. serves this First Set of Interrogatories, Request for Production, and Request for Admissions to Kyleigh Midkiff. These Discovery Requests are continuing in nature so as to require supplementation up to trial. Please produce your responses within thirty (30) days of the date of service of these Discovery Requests to the undersigned representative at:

Sarah Spitalnick, Esq.
23 Walker Ave. Suite 207
Pikeville, MD 21208
Tel: (484) 332-0454
Email: sarahspitalnickesq@gmail.com

Dated: October 3, 2024

Respectfully submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2024, a copy of the foregoing was sent electronically via MDEC to:

Kyleigh Midkiff
2841 Cedarhurst Rd.
Finksburg MD, 21048.

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.

INSTRUCTIONS

A. These Discovery Requests shall be deemed to be continuing so that any additional Documents (defined herein) or information concerning these Requests which Ms. Midkiff later acquires, finds, or which later becomes known to Ms. Midkiff, up to and including the time of trial, shall be furnished reasonably promptly after such Documents or information is acquired, found or becomes known.

B. The Requests call for the production of all responsive documents, things, or information in Your possession, custody or control or available to You or other persons or entities acting on Your behalf.

C. Words and terms in the singular shall include the plural thereof, and all words of masculine gender shall include the female gender thereof. The use of a verb in any tense shall be construed as the use of the verb in all other tenses whenever necessary to bring within the scope of any demand responses that otherwise might be construed to be outside its scope.

D. All requests shall encompass all versions of a given document, and include drafts as well as attachments.

E. If a document or thing that is responsive to a Request was, but is not now, in Your custody or control, provide a statement containing the following information:

a. whether the document or thing is still in existence, and if so, the name and business address of each person in whose custody a copy of the document or thing may be found;

b. whether the document or thing has been lost or destroyed, and if destroyed, why, when and by whom;

c. whether the document or thing has been otherwise disposed of, including by transfer, stating who disposed of it, and the date and manner of disposition; and

d. a description of the contents of the document or thing, the names of the author(s) and addressee(s) of the document, and the date the document or thing was created.

F. To the extent that a portion or part of any document or thing is responsive to a Request, the Request shall be construed to call for production of the entire document or thing. Each document or thing shall be produced in its entirety, including attachments and enclosures sent or kept with the attachments.

G. If an objection is made to any portion or aspect of a Request on the ground that responsive documents, things, or information have already been produced or provided, an identification of such documents or things by Bates numbers, or information by Request number, shall be provided in lieu of producing the already-produced documents or things or responding to the Request.

H. If in responding to any Request You claim any objection as to the basis for not responding, respond to all parts of the demand to which Your objection does not apply. If an objection is made to any portion or aspect of a Request, documents, communications, things, or information responsive to the remainder of the Request shall be produced. If an objection is made on the basis of a privilege or work product claim, all portions of a document that are not privileged or work product shall be produced.

I. In the event that any information has been redacted from any document produced pursuant to these Requests, You must identify that information and the basis or bases upon which such information was redacted.

J. If a claim of privilege is asserted in objecting to any Request, identify the privilege (including work product) that is being claimed and, if the privilege is governed by state law, identify the privilege rule being invoked. With regard to all objections or responses which fail or refuse fully to respond to the following requests on the grounds that the documents or things sought

are privileged or otherwise protected from discovery, provide a privilege log that identifies, with respect to each document or tangible thing, the nature of the privilege claimed and, if applicable, the rule or law governing such privilege claim, and information that is sufficient to assess the merit of the claimed privilege or protection, including without limitation: (i) the type of document (e.g., memorandum, e-mail, etc.); (ii) the general subject matter of the document, including whether the primary purpose of the document was to seek or provide legal advice or services; (iii) the date of the document; and (iv) such other information as would be sufficient to identify the document for purposes of a subpoena duces tecum including, where appropriate, the author of the document and his or her job title, the addressees of the document and their job titles or capacities, any other recipients shown in the document and, where not apparent, the relationship of the author, addressees, and recipients to each other.

K. All Documents and things are to be produced in compliance with the Maryland Rules and either as they are kept in the usual course of business or by organizing and labeling them to correspond with the numbered paragraphs of these Requests. If any document responsive to these Requests was maintained or kept in a file folder, binder or other storage device that was labeled (or otherwise bore any information), produce the original copy of such label (and such information) in a way that Plaintiff can determine the content of the label (or other information) on the file folder, binder or other storage device in which each such responsive document was maintained or kept.

L. With respect to any document kept in any electronic format, each such document is to be produced in .tiff and or .pdf format, with applicable load files, and shall be text- searchable and include all meta-data associated with the electronic file from which the document derives, in particular the following non-privileged captured objective field data and metadata: BEGDOC,

ENDDOC, BEGATTACH, ENDATTACH, CUSTODIAN, PARENTID, CHILDID, BATESRNG, PRPERTIES, AUTHOR, FROM, TO, CC, BCC, SUBJECT, EMAILSUBJECT, DATESENT, TIMESENT, DATECREATED, TIMECREATED, DATERCVD, TIMERCVD, FILENAME, FILEPATH, FILESIZE, APPLICATION, FOLDERID, NATIVEFILE, DOCEXTENSION, HASH, and HEADER.

M. Unless otherwise specified, the relevant period concerning these Requests for the Production of Documents is January 1, 2020 through the present.

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Maryland Rules of Civil Procedure. As used herein, the following terms are to be interpreted in accordance with these definitions:

A. Capitalized terms not defined herein have the meanings ascribed to them in the Complaint.

B. The terms "all" and "any" shall be construed as "all and any."

C. The words "and" and "or" as used herein shall be construed both conjunctively and disjunctively, and each shall include the other whenever such a dual construction will serve to bring within the scope of a category any documents or information which would not otherwise be within its scope.

D. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) between two or more persons or entities, including, without limitation, written contact by such means as letters, memoranda, reports, computer transmission, electronic mail and attachments, telegrams, fax messages, and other correspondence, and oral contact by such means as meetings and telephone conversations.

E. "Document" means any and all information in tangible or other form, whether printed, typed, recorded, computerized, filmed, reproduced by any process, or written or produced by hand, and whether an original, draft, master, duplicate or copy, or notated version thereof, that is in Your possession, custody, or control. A draft or non-identical copy is a separate document within the meaning of this term.

F. As used herein, the terms “concerning,” “pertaining to,” “regarding,” and “relating to” are used in their broadest sense, and mean anything that, directly or indirectly, generally or specifically, regards, relates to, refers to, concerns, contains, constitutes, contradicts, supports, evidences, embodies, comprises, reflects, mentions, identifies, states, deals with, comments on, responds to, describes, analyses, or is in any way, directly or indirectly, relevant to the subject.

G. Capitalized terms not defined herein have the meanings ascribed to them in the Amended Complaint.

H. “You,” “Your,” or “Yours” refers to Ms. Midkiff, and includes all of Your Affiliates, agents, representatives, or other persons, organizations, or others acting or purporting to act on Your behalf, or under Your control.

I. “Ms. Midkiff” refers to Kyleigh Midkiff, and includes any persons or entities acting for them or on their behalf, including but not limited to all representatives, servants, agents, employees, contractors (including sub-contractors) officers, Affiliates or subsidiaries.

J. “Mr. Hadel” refers to Blake Hadel

INTEROGITORIES

1. List the names, address, phone numbers and basis of knowledge for each person who has persona knowledge of any relevant issue in this case, including each person that you

intended to call as a witness in these proceedings. Include in your answer a description of the matters or subjects about which the individual has personal knowledge.

2. State your full name, any former names or aliases, address, and date of birth.

3. Please identify every lawsuit (civil and/or criminal) where you have been a plaintiff or defendant, identifying the nature of the lawsuit, the date of such lawsuit, the court such lawsuit was filed and adjudicated (if applicable), the disposition of such lawsuit, and whether you were incarcerated associated with such lawsuit.

4. State whether You have ever declared bankruptcy. If the answer is in the affirmative, state the date, the court having jurisdiction, and the case number.

5. Please identify all documents that you believe support any defenses you may raise in regard to this matter.

6. Identify any person who has provided you with a written statement or opinion of any kind that relates to any allegation or claim raised in the Amended Complaint, and for each person, describe the substance of such statement or opinion and the date you obtained such statement or opinion.

7. Describe each posting you or anyone acting on your behalf has made to Facebook, LinkedIn, Instagram, Twitter, or any other Internet site or web log that in any way concerns or relates to the allegation in the Amended Complaint, or the existence of this lawsuit, including in your answer the date, substance, and the site to which the posting was made.

8. Set forth all facts and identify all documents that support, refer or relate to the statements as set forth generally in the Amended Complaint, including in your answer any evidence

of your defense of truth, any other witnesses to the defense of truth, and any police reports made relating to the statements you made regarding Mr. Hadel.

9. State the full names, addresses, and telephone numbers of all persons who assisted in the preparation of, or who prepared, your responses to these interrogatories, and for each individual, please state their role in preparing the interrogatory responses and identify all documents used to prepare your responses to these interrogatories.

10. State and describe in full your entire relationship you have had with Ms. Maggio from January 2020 until the present. Please include how you met, the status of the relationship now, and the status of the relationship at the time of the postings.

11. State and describe why you posted on the "Are We Dating the Same Guy?" Facebook page.

12. State and describe all comments you have made on the "Are We Dating the Same Guy?" Facebook page.

13. State and describe in full your relationship with Mr. Hadel, if any, from January 2020 until the present. Please include how you met, the status of the relationship now, and the status of the relationship at the time of the postings.

14. State and describe where and what you based your comment that Mr. Hadel sexually assaults women.

15. State and describe why you believe Mr. Hadel is a "disguising excuse for a human being".

16. State and describe how you became in control and possession of the text messages you allege are between Mr. Hadel and Kat Norman. A full answer would include when you

became in control of them, who/how you obtained them, and why you believe they are between Mr. Hadel and Kat Norman.

17. State and describe how you obtained control and possession over what you allege is Mr. Hadel's child support receipts. Specifically, who and why they gave you the receipt.

18. State and describe what you did, if anything, to verify all 4 comments in question in this suit. Please list all documents and persons you used to verify the information and the substance of each.

19. State and describe if anyone asked you to comment on the Facebook posts regarding Mr. Hadel. If so, state why they wanted you to comment on the Facebook post.

20. State and describe, if any, your relationship with Lynnsey Fullano. Please identify how you met Lynnsey Fullano, the nature of your relationship is with her, and state with specificity the information you gained from her.

21. Identify any and all documents you produce in reference to the Discovery requests. Specifically state where they come from, how they came to be in your control and possession, the reason you have them in your possession and control, and the substance of them.

22. State and describe Mr. Hadel's relationship with Ms. Maggio that you were aware of at the times you made the comments referenced in the Amended Complaint and presently. Please include when you became aware of their relationship, who had informed you of the relationship, and what documents, if any, were given/shown to you in reference to that relationship.

23. State and describe why you denied any Requests for Admissions. Please include all reasons for the denial and identify the documents any denials are based on.

24. State and describe what information you received from accompanying Ms. Maggio to her court hearing with Mr. Hadel. Please specify the date the information was received, the documents they are based on, the substance of the information, and the case in which the information was received.

25. State and describe when you communicated directly with Mr. Hadel regarding his past instances of sexual assault, why he signed his legal rights away to his children, his child support payments, and his supposed illegal activity. Please specify the date, how it was communicated, and the substance of the communication.

26. State and describe any and all direct communications you have had with other women who think negatively about Mr. Hadel, besides Ms. Maggio. Please describe when these conversations occurred, with whom, and the substance of those communications.

27. State and describe any and all direct communications you have had with other women who think positively about Mr. Hadel. Please describe when these conversations occurred, with whom, and the substance of those communications.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please provide all documents used in answering any and all of the Interrogatories.
2. Please provide all documents that you intend to bring as evidence during this proceeding.
3. Please provide all documents you used to verify the comments you made on the Facebook page.
4. Please provide all communications you had with Meghan Maggio that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications.

5. Please provide all communications you have had with any other person where you discussed the 4 statements referenced in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those conversations.
6. Please provide all communications you have had Lynnsey Fullano, if any, that relate to any of the allegations in the Amended Complaint. Please identify when the communications took place, the purpose, and the substance of those communications.
7. Please provide all communications you have had with Mr. Hadel, if any. Please identify when the communications took place, the purpose, and the substance of those communications.
8. Please provide all documents that you believe goes towards your defense of truth for all allegation within the Amended Complaint.
9. Please provide all documents that relate to other posts within the Facebook group "Are We Dating the Same Guy?" that you have posted or commented on.
10. Please provide all documents that you contend support your assertion that your statement regarding Mr. Hadel signing away his parental rights was the truth. Please describe how you came to be in control and possession of those documents, where they came from, and the purpose of you gaining control and possession of them.

REQUEST FOR ADMISSION

1. Admit/Deny: You posted all the alleged defamatory comments referenced in the First Amended Complaint.
2. Admit/Deny: You received all information you know regarding Mr. Hadel from Meghan Maggio.

3. Admit/Deny: You never spoke directly to Kat Norman before posting the comment regarding Mr. Hadel sexually assaulting multiple women.
4. Admit/Deny: You have a negative opinion of Mr. Hadel.
5. Admit/Deny: You only know and know of Mr. Hadel through Meghan Maggio.
6. Admit/Deny: You are aware Mr. Hadel took out a Protective Order out on Meghan Maggio.
7. Admit/Deny: You were aware, at the time of the posting of the alleged defamatory comments, that Mr. Hadel had a clean criminal record.
8. Admit/Deny: You have personally seen Mr. Hadel's Consent Order that terminated his parental rights to his son with Lynnsey Fullano.
9. Admit/Deny: You have personally seen Mr. Hadel's Petition to Modify Child Support and Child custody with Lynnsey Fullano regarding his son.
10. Admit/Deny: You were aware, at the time of posting the alleged defamatory comments, that both Lynnsey Fullano and Meghan Maggio were the parties to request Mr. Hadel to sign his legal rights to his children away.
11. Admit/Deny: You know of all communications and interactions Mr. Hadel has ever had with Ms. Maggio
12. Admit/Deny: You know Meghan Maggio has a negative opinion of Mr. Hadel.

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff; Discovery Responses Overdue

3 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Tue, Nov 5, 2024 at 4:47 PM
To: Brad Bauhof <brad@bauhoflegal.com>
Cc: Sierra Fisher <sierra@bauhoflegal.com>

Good evening,

I had served Plaintiff, Mr. Hadel, Initial Discovery Requests to Defendant, Ms. Midkiff, on October 3, 2024. Her responses were due yesterday November 4, 2024. As of today, I have yet to receive any answers in response to the Discovery that was served.

I understand you were retained by the Defendant after Discovery was served and there could have been a miscommunication.

With that said, Defendant's Discovery Responses are overdue. Please advise when I can anticipate Defendant's complete discovery materials.

This correspondence is an effort to resolve a discovery dispute. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Sierra Fisher <sierra@bauhoflegal.com> Wed, Nov 6, 2024 at 1:12 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Good Afternoon:

Our client is scheduled to meet with our office on Thursday the 7th for purposes of discovery completion. We intend to forward discovery within one week.
Can you forward the word version of the discovery requests for our client? We will forward same at such time discovery is propounded on your client.

Thank you.
[Quoted text hidden]
--
Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
8 N. Court Street
Westminster, MD 21157
(410) 876-4500

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Wed, Nov 6, 2024 at 3:57 PM
To: Sierra Fisher <sierra@bauhoflegal.com>

Good afternoon,

Thank you for your prompt response.

I have attached the Word version of the Discovery Requests to this email.

Please let me know if you have issues accessing the document.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

10.05.24 Hadel, Blake Deff. Discovery Requests.docx
35K

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff; Discovery Responses Overdue

2 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Fri, Nov 15, 2024 at 9:06 AM
To: Brad Bauhof <brad@bauhoflegal.com>
Cc: Sierra Fisher <sierra@bauhoflegal.com>

Good Morning,

I am following up on our conversation last week.

We spoke last week on November 6, 2024, regarding your clients discovery responses for Hadel v. Midkiff. You stated you would have the discovery responses served within 1 week. Will you be serving your clients responses by the end of day today?

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Sierra Fisher <sierra@bauhoflegal.com> Fri, Nov 15, 2024 at 3:42 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hi Ms. Spitalnick:

We have a final draft to our client and are waiting on her final approval/signature. I expect by the end of the day or Monday at the latest. I apologize for the delay. Thank you for following up.
[Quoted text hidden]
--
Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
8 N. Court Street
Westminster, MD 21157
(410) 876-4500

Gmail **Sarah Spitalnick <sarahspitalnickesq@gmail.com>**

Hadel v. Midkiff Discovery

6 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Thu, Dec 5, 2024 at 6:29 PM
To: Sierra Fisher <sierra@bauhoflegal.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>

Good Evening,

I filed through MDEC my clients responses to the Defendants Discovery Requests.

Attached to this email is a Deficiency Letter regarding the Defendants Discovery Responses to the Plaintiffs Discovery Requests.

Please let me know if you have any questions or need anything further.

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

12.05.24 Hadel v. Midkiff Deficiency Letter.pdf
253K

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Mon, Dec 16, 2024 at 3:52 PM
To: Sierra Fisher <sierra@bauhoflegal.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>

Good afternoon,

I had sent a deficiency letter on December 5, 2024, referencing deficiencies in the Defendants discovery responses and that those deficiencies were to be rectified by December 13, 2024.

It is now December 16, 2024, and I have yet to receive any response regarding the deficiency letter.

Please advise on when the deficiencies will be rectified and sent.

If no response is given as to when the deficiencies will be rectified, I will be forced to file a Motion to Compel.

Please let me know if you have any questions.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

Sierra Fisher <sierra@bauhoflegal.com> Tue, Dec 17, 2024 at 8:02 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Good evening:

We ask that you please grant an extension to December 27 to respond to the deficiencies. Thank you.

PLEASE NOTE OUR ADDRESS HAS CHANGED. WE ARE NOW LOCATED AT 22 N. COURT STREET, WESTMINSTER, MD 21157.

Thank you,

Sierra Fisher
W. Bradley Bauhof, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
[Quoted text hidden]

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Wed, Dec 18, 2024 at 6:38 PM
To: Sierra Fisher <sierra@bauhoflegal.com>

Good evening,

I consent to extending the deadline to December 27, 2024.

Thank you,
Sarah Spitalnick
[Quoted text hidden]

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Mon, Dec 30, 2024 at 5:12 PM
To: Sierra Fisher <sierra@bauhoflegal.com>, Brad Bauhof <brad@bauhoflegal.com>

Good Evening,

I had served the Defendant with the Plaintiffs First Set of Discovery Requests on October 3, 2024. The Defendants responses were due November 2, 2024. After the November 2nd date passed, I contacted you requesting when her responses would be served in furtherance of resolving the discovery issue. You requested a week extension to serve the Defendants responses, which we consented to. The Defendants responses were served on November 18, 2024, which was over the one week extension.

On December 5, 2024, I sent the deficiency letter regarding the Defendants responses with a due date of December 13, 2024. I received no communication from you regarding the deficiency letter until I sent a follow up email on December 16, 2024 inquiring about the responses and in furtherance of resolving the discovery issue. On December 17, 2024, after the deficiencies were due, you requested another extension to respond by December 27, 2024, to which we consented.

It is now December 30, 2024, and I have yet to received the Defendants deficiency responses.

The Plaintiff has been more than amenable to the Defendant being late with her discovery responses and consenting to extensions to reply. The Defendant has been untimely throughout the entire discovery process up to this point with serving her answers.

With that being said, if I am not in receipt of the Defendants responses to the deficiency letter by tomorrow, December 31, 2024, I will be forced to file a Motion to Compel.

Please let me know if you have questions.

Thank you,
Sarah Spitalnick

—
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick

23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

On Tue, Dec 17, 2024 at 8:02 PM Sierra Fisher <sierra@bauhoflegal.com> wrote:
[Quoted text hidden]

Sierra Fisher <sierra@bauhoflegal.com> Tue, Dec 31, 2024 at 8:43 AM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Ms. Midkiff's deficiency responses are attached.
[Quoted text hidden]
--
[Quoted text hidden]

Midkiff, Deficiency Response 123124.pdf
90K

Exhibit 4

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hadel v. Midkiff Continuing Discovery Deficiencies

2 messages

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Fri, Apr 18, 2025 at 2:56 PM
To: Brad Bauhof <brad@bauhoflegal.com>, Sierra Fisher <sierra@bauhoflegal.com>

Good afternoon,

Please find attached Plaintiff's second Deficiency Letter.

Thank you,
Sarah Spitalnick

--
Sarah Spitalnick Esq.
J.D. '23 I University of Baltimore School of Law
Attorney at Law
The Law Office of Sarah Spitalnick
23 Walker Ave. Suite 207
Pikesville Maryland, 21208
sarahspitalnickesq@gmail.com
(484) 332 0454

Deficiency Letter.pdf
675K

Sarah Spitalnick <sarahspitalnickesq@gmail.com> Tue, Apr 29, 2025 at 9:10 AM
To: Brad Bauhof <brad@bauhoflegal.com>, Sierra Fisher <sierra@bauhoflegal.com>

Good Morning,

I had sent Defendant's second deficiency letter on 4/18/2025, with a response date of 04/26/2025.

It is now 04/29/2025, and I have not received a response to the deficiency letter.

Please advise on when a response will be given.

Thank you,
Sarah

[Quoted text hidden]

Exhibit 5

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Midkiff/Hadel

1 message

Sierra Fisher <sierra@bauhoflegal.com> Mon, May 5, 2025 at 2:36 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>
Cc: Brad Bauhof <brad@bauhoflegal.com>, Hannah Hansen <hannah@bauhoflegal.com>

Ms. Spitalnick:

Please see attached response to deficiency letter.

--
Thank you,

Sierra Fisher
Bauhof Legal, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500

Midkiff, Answer to Final Information Required.pdf
80K

Exhibit 6

Gmail

Sarah Spitalnick <sarahspitalnickesq@gmail.com>

Hadel/Midkiff

1 message

Sierra Fisher <sierra@bauhoflegal.com> Mon, May 19, 2025 at 3:30 PM
To: Sarah Spitalnick <sarahspitalnickesq@gmail.com>
Cc: Hannah Hansen <hannah@bauhoflegal.com>

Ms. Spitalnick:

Please see attached.

--
Thank you,

Sierra Fisher
Bauhof Legal, LLC
22 N. Court Street
Westminster, MD 21157
(410) 876-4500

12 attachments

IMG_3305.png
355K

IMG_3304.png
567K

IMG_3302.png
1014K

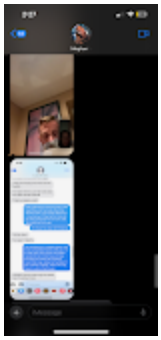
Exhibit 6

IMG_3301.png
891K

IMG_3303.png
1010K

IMG_3300.png
798K

IMG_3299.png
695K



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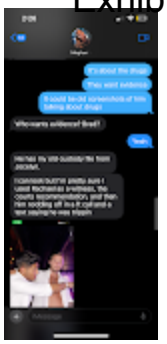
1068K

Exhibit 6



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995K

IMG_3295.png
732K

IMG_3297.png
979K

Midkiff, Sup Disc Cover 051925.pdf
92K

Exhibit 7

2:26

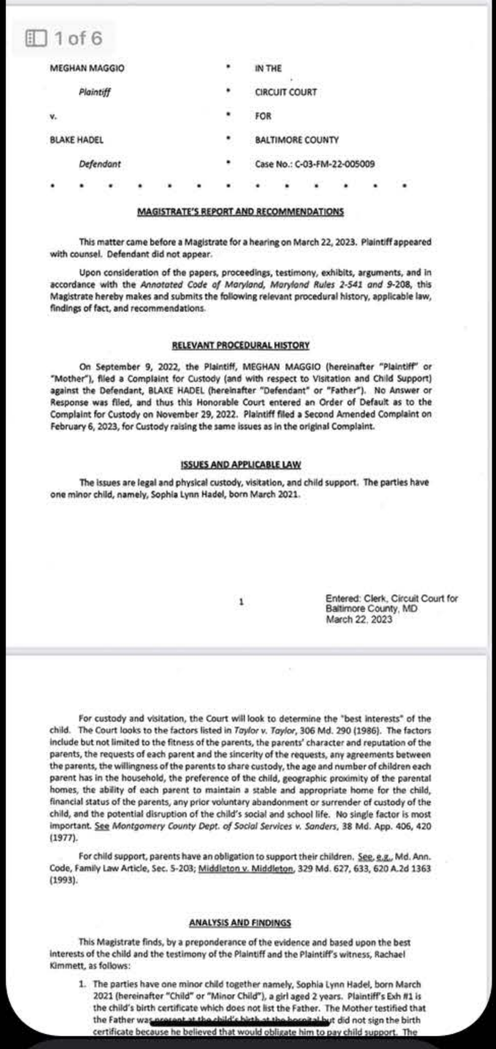
63

Meghan

Today 1:33 PM

Can you send me the evidence you sent to the court when he didn't show up to for custody

Idk if I have evidence bc the judge noted on the docket/recording of my hearing.



1 of 6

MEGHAN MAGGIO * IN THE

Plaintiff * CIRCUIT COURT

v. * FOR

BLAKE HADEL * BALTIMORE COUNTY

Defendant * Case No.: C-03-FM-22-005009

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9-208*, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

1

Entered: Clerk, Circuit Court for Baltimore County, MD March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The

Does this work?

It's about the drugs

iMessage

Exhibit 7

2:26

63

Meghan

It's about the drugs

They want evidence

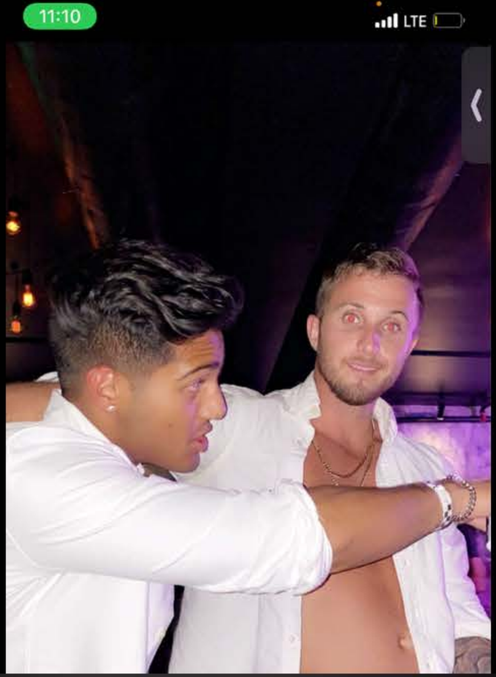
It could be old screenshots of him talking about drugs

Who wants evidence? Brad?

Yeah

He has my old custody file from Jocelyn.

I can look but I'm pretty sure I used Rachael as a witness, the courts recommendation, and then him nodding off in a ft call and a text saying he was trippin



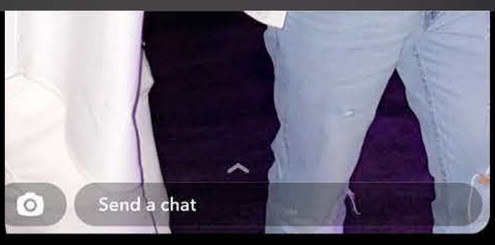
iMessage

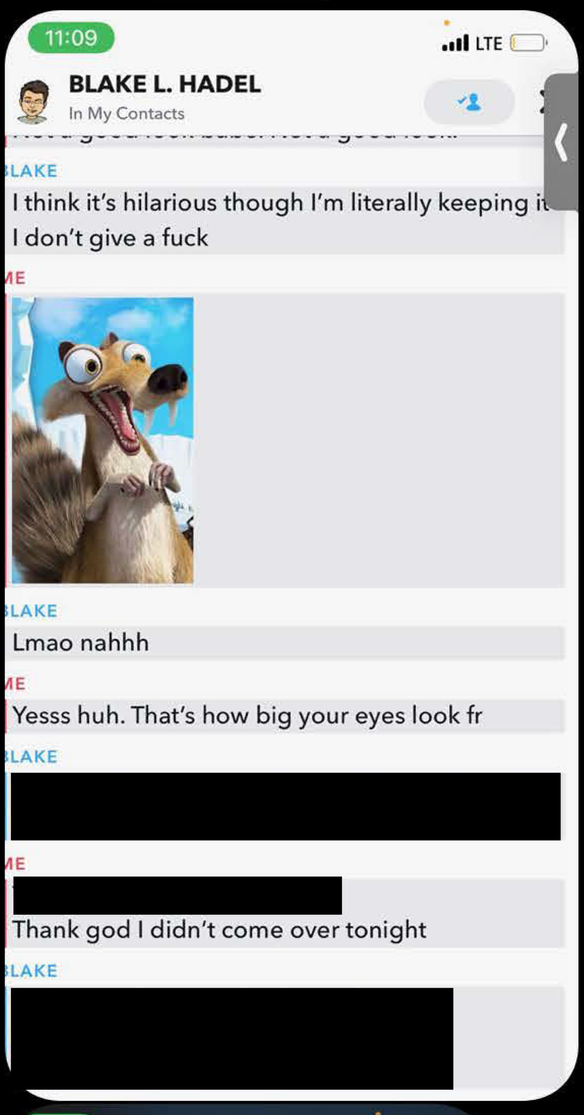
Exhibit 7

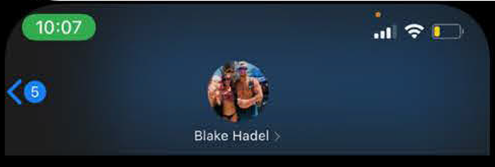
2:26

63

Meghan







Today 10:06 PM

[redacted]

What?

Are you ok?

[redacted]

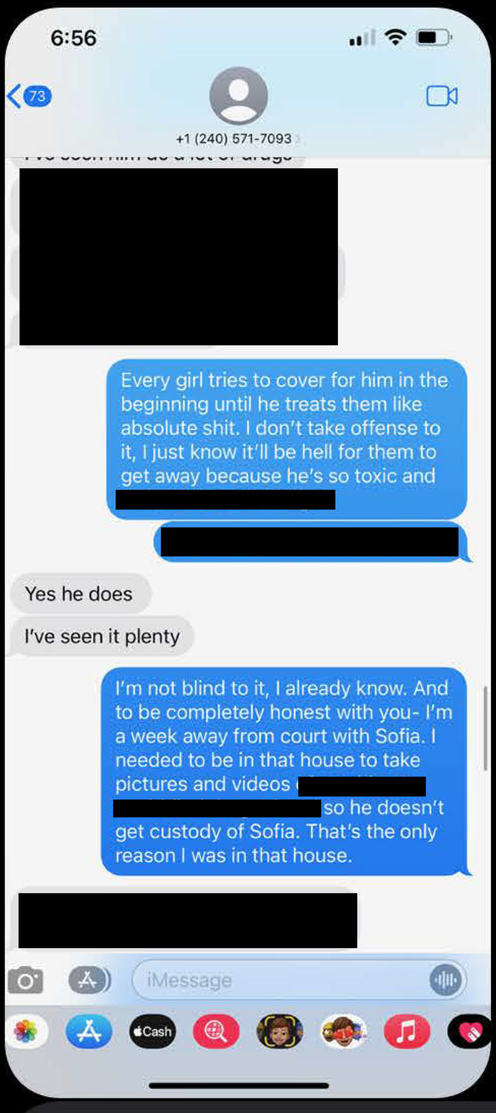
iMessage

Exhibit 7

2:27

63

Meghan


6:56
73
+1 (240) 571-7093
[redacted]
Every girl tries to cover for him in the beginning until he treats them like absolute shit. I don't take offense to it, I just know it'll be hell for them to get away because he's so toxic and [redacted]
[redacted]
Yes he does
I've seen it plenty
I'm not blind to it, I already know. And to be completely honest with you- I'm a week away from court with Sofia. I needed to be in that house to take pictures and videos [redacted] so he doesn't get custody of Sofia. That's the only reason I was in that house.
[redacted]
iMessage
Cash

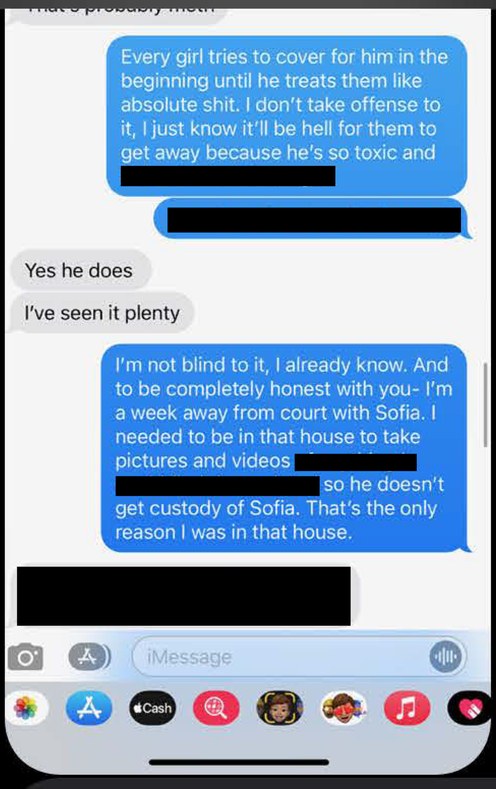
iMessage

Exhibit 7

2:27

63

Meghan


Every girl tries to cover for him in the beginning until he treats them like absolute shit. I don't take offense to it, I just know it'll be hell for them to get away because he's so toxic and
[redacted]
[redacted]
Yes he does
I've seen it plenty
I'm not blind to it, I already know. And to be completely honest with you- I'm a week away from court with Sofia. I needed to be in that house to take pictures and videos [redacted] so he doesn't get custody of Sofia. That's the only reason I was in that house.
[redacted]
iMessage
Cash

This was texts between his old roommate and I

pdf

Court recommendations .pdf

PDF Document · 688 KB

Do you know the date the snap is from?

Or what year

Delivered

7/24/2022

And what was the roommates name?

iMessage

E-FILED; Carroll Circuit Court
Docket: 5/30/2025 1:18 PM; Submission: 5/30/2025 1:18 PM
Envelope: 21428662

BLAKE HADEL,	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant	*	Case Number: C-06-CV-24-000259

DEFENDANT'S REPSONSE TO PLAINTIFF'S MOTION TO SEAL

NOW COMES the Defendant, Kyleigh Midkiff, by and through her counsel, Hannah Hansen, Esquire and Bauhof Legal, LLC, hereby files this Response to Plaintiff's Motion to Seal and respectfully submits to this Honorable Court:

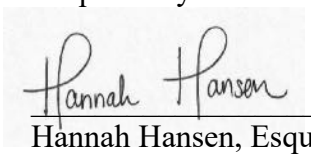
1. That the Plaintiff has filed a Motion to seal.
2. That Defendant does not object to sealing the expunged police report and any related filings containing restricted information from public access.
3. That Defendant does not object to the removal of these sealed documents from the public docket.

WHEREFORE, your Defendant prays for the following relief:

A. That the identified pleadings and exhibits be SEALED;

B. That all other relief requested in Plaintiff's Motion be DENIED.

Respectfully submitted,

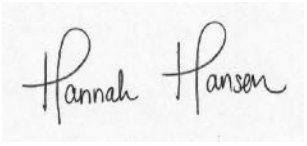


Hannah Hansen, Esquire
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
hannah@bauhoflegal.com
CPF # 2112140283
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 30th day of May, 2025, a copy of the foregoing Response was served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

E-FILED; Carroll Circuit Court
Docket: 5/30/2025 1:18 PM; Submission: 5/30/2025 1:18 PM
Envelope: 21428662

BLAKE HADEL,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case Number: C-06-CV-24-000259

****

ORDER

Upon consideration of the Plaintiff's Motion to Seal, and the Defendant's Response thereto, it is this 5th of June, 2025 in the Circuit Court for Carroll County; **ORDERED**

That the pleadings and exhibits identified in Plaintiff's Motion to Seal be SEALED and REMOVED from the public view.

JUDGE, CIRCUIT COURT
FOR CARROLL COUNTY

Entered: Clerk, Circuit Court for
Carroll County, MD
June 6, 2025

PLAINTIFF'S PRE-TRIAL STATEMENT

Plaintiff's Blake Hadel offer the following as their Rule 2-504.2 pre-trial statement:

1. **Parties and Counsel:**

Blake Hadel, Plaintiff: Represented by:

Sarah Spitalnick, Esq.

Law Office of Sarah Spitalnick Esq.

23 Walker Ave. Suite 207

Baltimore, MD 21208

Kyleigh Midkiff., Defendant: Represented by:

W. Bradley Bauhof, Esq.

Sierra Fisher, Esq.

Hannah Hansen, Esq.

Bauhof Legal LLC

22 N. Court St

Westminster, MD 21157

Plaintiff's' Statement of Facts to be relied upon in support of each claim:

On July 25, 2023, Midkiff posted a comment on a post referencing Hadel on the Facebook page "Are We Dating The Same Guy? Baltimore/Columbia/Maryland", stating "his ass owes thousands of dollars of child support. The next picture that will be posted will be his

mug shot.". On June 16, 2024, Midkiff posted a comment on a post referencing Hadel on the Facebook page "Are We Dating The Same Guy? Baltimore/Columbia/Maryland, stating "he's also been posted here several times because he has SA'd multiple women" and "he's a disgusting excuse for a human being. He signed off his rights to both his kids (2 different moms) because he can't afford child support, stay far away."

Within the comments Midkiff had posted, she accused Hadel of criminal activity. These accusations were accusations of fact about Hadel. Midkiff's alleged defamatory statements about Hadel: "owes thousands of dollars in child support", "has SA'd multiple women", "his mug shot will be posted", and "he signed away his rights to both his kids because he can't afford child support", are all statements of objective fact.

During Midkiff's deposition, she readily admitted that she did not verify any statements because they were her opinion and only her opinion mattered. Midkiff readily admitted that she has a negative bias against Hadel and that she has only ever had one in person interaction with Hadel. Midkiff also admitted her allegations were informed only by unverified statements from unknown individuals or by Ms. Megan Maggio, who has a documented history of having a negative opinion of Hadel before Midkiff posted her statements. Midkiff not only took no steps to verify any of her statements but also admitted that she had opportunities to listen to Hadel's side of stories, she activity ignored them, and assumed they were all lies and manipulation

without evidence. Midkiff further stated that she knew that the comments the unknown women would leave about Hadel could be false and still failed to verify anything before posting her comments.

Midkiff readily admitted that the posts and comments on the Facebook page can and have been easily shown to people not a part of the Facebook group. An unknown number of people read Midkiff's comments and refused to have any interactions with Hadel. Hadel solely owns a small business that is directly connected to his name, an unknown number of prospective costumers read Midkiff's comments and decided to not do business with Hadel or his company. The Facebook page has around 50,000 members that are local to the Baltimore area, but with members sharing posts, it is impossible to know how many more people saw Midkiff's comments.

2. Any amendments required of the pleadings; 1; 10/01/24

3. Simplification or limitation of issues;

a. Midkiff's allegation that Hadel sexually assaulted multiple women constitutes libel per se.

b. Midkiff's allegation that Hadel owes thousands of dollars of child support constitutes libel per se.

c. Midkiff's allegation that Hadel signed away his parental rights because he could not afford child support constitutes libel per se.

d. Midkiff's allegation that Hadel engages in illegal activity constitutes libel per se.

4. Stipulations of fact or, if unable to agree, a statement of matters of which any party requests an admission; None.

5. The details of the damage claimed or any other relief sought as of the date of the pretrial conference; In a claim for libel per se, damages to Plaintiff's reputation are presumed, and Plaintiff need not specifically prove harm.

6. Exhibits

a. Hadel and Ms. Lynnsey Fullano's Voluntary Dismissal of their Child Custody Dispute

b. Hadel and Ms. Meghan Maggio's Voluntary Dismissal of their Child Custody Dispute

c. Child support payment records

d. Deposition transcripts

e. "Are We Dating The Same Guy? Baltimore/Columbia/Maryland" Facebook page, with Midkiff's defamatory comments

f. Text messages between Hadel and Maggio

7. Witnesses

a. Brenda Hopka Hadel

b. Michale Lusk

c. Kyleigh Midkiff

d. Meghan Maggio

e. Sherrie Miller

8. A listing by each party of those witnesses whose testimony is expected to be presented by means of a deposition: none.

9. A listing by each party of the names and specialties of experts the party proposes to call as witnesses: None.

10. Any other matter that the party wishes to raise at the conference. None.

11. Procedural issues:

a. Defendant's discovery documents were late, incomplete, and unresponsive to several requests. Defendant failed to respond to deficiency letters until repeatedly prompted, and responses were insufficient. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, causing delays and increasing Plaintiff's litigation

costs.

b. On May 14, 2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgment, attaching as "Exhibit 2" an expunged police report filed by Meghan Maggio against Plaintiff for domestic assault, dismissed and expunged on November 24, 2023. Defendant filed Exhibit 2 on the public docket without a Notice of Restricted Information (Form MDJ-008), in violation of Maryland Rule 20-201.1. Defendant has not explained how she obtained the expunged police report or why it was not disclosed during discovery. Exhibit 2 is referencing a police report made in 2022, well before this matter was filed. Exhibit 2 was discoverable during the discovery period for this matter. Defendant has given no argument on why Exhibit 2 was not disclosed in discovery.

c. On May 19, 2025, after discovery closed and Plaintiff's Reply was filed, Defendant supplemented her discovery responses with screenshots of communications between herself and Meghan Maggio ("Supp. Screenshots"). The Supp. Screenshots include Defendant requesting "evidence" from Maggio about Plaintiff, referencing "drugs" and "custody," and mentioning an unknown third party. Defendant, who admitted to being best friends with Maggio, provided no

justification for failing to disclose these communications earlier. The untimely disclosure prejudices Plaintiff, who can no longer investigate the Supp. Screenshots, authenticate the communications, or identify the third party due to the close of discovery. Had Defendant the Supp. Screenshots during discovery, Plaintiff could have moved to bar their use, conducted further discovery, and mitigated harm to his reputation.

d. Plaintiff has filed a Motion for Sanctions to have Exhibit 2 and the Supp. Screenshots be inadmissible. This Motion is still pending as of June 9, 2025.

Respectfully submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave. Suite 207
Pikesville MD, 21208
MD Bar No. 23112901
Tel. 484.332.0454
Email. sarahspitalnickesq@gmail.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June 2025, a true and correct copy of the foregoing Pre-Trial Statement was sent via MDEC to:

William Bradley Bauhof
W. Bradley Bauhof, LLC.
22 North Court St.
Westminster, MD 21157
Counsel for Defendant

/s/ Sarah Spitalnick

Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 6/11/2025 11:44 AM; Submission: 6/11/2025 11:44 AM
Envelope: 21586297

BLAKE HADEL,	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant	*	Case Number: C-06-CV-24-000259

DEFENDANT'S REPSONSE TO PLAINTIFF'S MOTION FOR SANCTIONS UNDER SEAL

NOW COMES the Defendant, Kyleigh Midkiff, by and through her counsel, Hannah Hansen, Esquire and Bauhof Legal, LLC, hereby files this Response to Plaintiff's Motion for Sanctions Under Seal and respectfully submits to this Honorable Court:

1. That the Plaintiff has filed a Motion for Sanctions Under Seal.
2. That Plaintiff argues that Defendant supplemented discovery on May 19, 2025, with text messages that were responsive to discovery requests but which had been purposefully withheld from the Plaintiff until after the close of discovery.
3. That Plaintiff's argument is based on the assumption that Defendant was in possession of these text messages prior to the start of discovery, or, at least, prior to the close of discovery. This assumption is false.
4. That Defendant sent and received these text messages on May 9, 2025, after discovery was closed, as she was gathering information in anticipation of her response to Plaintiff's Motion for Summary Judgment. Defendant was not in possession of these text messages prior to May 9, 2025. *See* Defendant's Exhibit 1.
5. That Defendant produced these documents to Plaintiff at the first reasonable opportunity after receiving them and after responding to Plaintiff's Motion for

Summary Judgment.

6. That Defendant's production of these text messages was timely.
7. That Plaintiff argues that disclosure of an old police report was made in bad faith as it was not filed with a notice of restricted information.
8. That Defendant did not make this disclosure in bad faith, and did not oppose the sealing of this document once realizing it had been expunged.
9. That Plaintiff argues his case has been both prejudiced and delayed due to Defendant's "discovery violations."
10. That this case is set to proceed to trial in August as scheduled months ago and, as such, no delay has occurred.
11. That Plaintiff's case has not been prejudiced as he received this discoverable information as soon as it was reasonably possible and has ample time to review this information before trial. If Plaintiff would like more time to review the information, Defendant is not opposed to a continuance.
12. That no discovery violations have occurred. If they had, which they have not, the proper remedy would be to compel the disclosure of such discovery and give the opposing party adequate time to review. *Bartholomee v. Casey*, 103 Md. App. 34, 49 (1994). Preclusion of this evidence is not a proper remedy when discovery is disclosed well in advance of trial. *Id.*
13. That Plaintiff has sought sanctions in the form of attorney's fees pursuant to Md. Rule 1-341. However, the Plaintiff has not submitted a verified statement setting forth costs or attorneys fees and, as such, has failed to comply with the requirements of Md. Rule 1-341(b). Additionally, no sanctions are warranted as no discovery

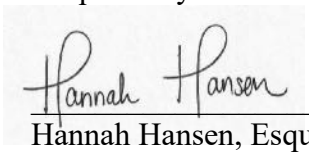
violations have occurred.

14. That Plaintiff has sought sanctions under Md. Rule 2-433. However, sanctions under Md. Rule 2-433 are not appropriate until a party has first obtained an order compelling discovery under Md. Rule 2-432(b). *Md. Rule 2-432(a)*. No such order has been obtained by the Plaintiff.
15. That Plaintiff has sought sanctions under Md. Rule 20-201.1. This Rule does not provide for sanctions.

WHEREFORE, your Defendant prays for the following relief:

A. That Plaintiff's Motion for Sanctions Under Seal be DENIED.

Respectfully submitted,

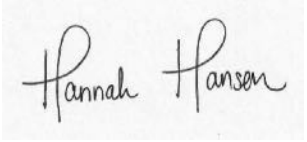


Hannah Hansen, Esquire
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
hannah@bauhoflegal.com
CPF # 2112140283
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of June, 2025, a copy of the foregoing Response was served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

E-FILED; Carroll Circuit Court
Docket: 6/11/2025 11:44 AM; Submission: 6/11/2025 11:44 AM
Envelope: 21586297

10:55 5G 29

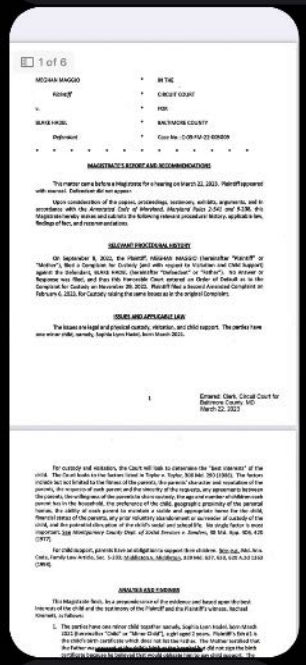
62

Meghan

Fri, May 9 at 1:33 PM

Can you send me the evidence you sent to the court when he didn't show up to for custody

Idk if I have evidence bc the judge noted on the docket/recording of my hearing.


1 of 6

MEGHAN MAGGIO * IN THE
Plaintiff * CIRCUIT COURT
v. * FOR
BLAKE HAGEL * BALTIMORE COUNTY
Defendant * Case No.: C-05-FM-23-000609

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the Annotated Code of Maryland, Maryland Rules 2-542 and 9-208, this Magistrate hereby states and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 8, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HAGEL (hereinafter "Defendant" or "Father"). No answer or Response was filed, and then this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody, stating the same bases as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hagel, born March 2021.

1 Entered: Clerk, Circuit Court for Baltimore County, MD March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in Taylor v. Taylor, 306 Md. 290 (1986). The factors include but are not limited to the fitness of the parents, the parents' character and reputation of the parents, the respective of each parent and the stability of the respects, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a viable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is more important. See Montgomery County Dept. of Social Services v. Sanders, 38 Md. App. 406, 415 (1977).

For child support, parents have an obligation to support their children. See Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 339 Md. 627, 633, 635 A.2d 1340 (1994).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interest of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kennett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hagel, born March 2021 (hereinafter "Child" or "Minor Child"), eight (8) years. Plaintiff's Exhibit #1 is the child's birth certificate which does not list the Father as. The Mother testified that the Father never [illegible] and did not sign the birth certificate. Although the Father [illegible] did not sign the birth certificate, he [illegible] the child [illegible] and is the child's father.

Does this work?

It's about the drugs

iMessage

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Envelope: 21592345

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

BLAKE HADEL,	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant	*	Case Number: C-06-CV-24-000259

DEFENDANT'S PRE-TRIAL STATEMENT

A. Party and Counsel:

Defendant: Kyleigh Midkiff, Defendant.

Counsel for Defendant: W. Bradley Bauhof, Esquire; Hannah Hansen, Esquire; Bauhof Legal, LLC; 22 N Court Street Westminster, MD 21157; 410-876-4500

B. Brief Statement of facts to be relied on as a Defense to each claim:

The Defendant is being sued for defamation regarding 4 comments she made on a Facebook Page. Below are the facts to be relied on in support of her defense that each comment made was either true or her opinion.

Comment 1: "[The Plaintiff has] also been posted here several times because he has SA'd multiple women."

Multiple Facebook posts will show that the Plaintiff had indeed been posted previously on the Facebook page by women claiming that he "SA'd" them, thus proving the truth of Defendant's statement.

Comment 2: "[The Plaintiff] owes thousands of dollars in child support."

A Child Support Order as well as a DHS summary will show that at the time this comment was made the Plaintiff did indeed owe thousands of dollars in child support.

Comment 3: "[The Plaintiff] signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away."

Two Orders will be entered showing the Plaintiff signed his rights away to both of his children. At the time, he owed a substantial amount of money in child support (see Comment 2). The Defendant admitted in his Complaint that at the time he signed away his rights he could not afford the child support that had been ordered. The Defendant also witnessed and overheard several arguments/conversations between the Plaintiff and one of the children's mothers wherein the Plaintiff would tell the mother he could not afford child support and, on one occasion, the Plaintiff told the child he wished she had never been born while in the midst of the child support argument. All of these facts support the Defendant's opinion that the Plaintiff signed his rights away to his children because he could not afford child support.

Comment 4: "The next picture that gets posted of [the Plaintiff] will be a mugshot."

This opinion was based on a magistrate's report and recommendation (along with the supporting exhibits) that found the Plaintiff unfit to have unsupervised visitation with his child due to the Plaintiff's drug use. The Defendant has also been friends with Ms. Maggio, the Plaintiff's ex-girlfriend, for a few years and has heard about the Plaintiff's drug use and behavior from Ms. Maggio as well as from the Court documents. Based on these, and based on the posts by other women on the Facebook page claiming the Plaintiff sexually assaulted them, the Defendant formed her opinion.

C. Amendments: None required by the Defendant.

D. Limitation of Issues: Parties have not discussed or agreed upon any limitation of issues at this time.

E. Stipulations of Fact: Parties have not discussed or agreed upon any stipulations of fact at this time.

F. Documents to be entered into evidence:

1. All exhibits listed in Plaintiff's Pre-Trial Statement, plus the following:
2. Maggio v. Hadel, C-03-FM-22-005009, Magistrate's Report and Recommendations (with supporting exhibits).
3. Posts from "Are We Dating the Same Guy? | Baltimore / Columbia / Maryland"
4. Hadel v. Fullano, C-03-FM-21-005169, Stipulation Agreement/Voluntary Dismissal/Consent Order.
5. Maggio v. Hadel, C-03-FM-22-005009, Order entered April 7, 2023.
6. Maggio v. Hadel, C-03-FM-22-005009, Stipulation Agreement/Voluntary Dismissal/Consent Order.

G. Witnesses:

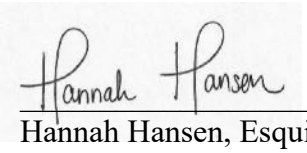
1. Kyleigh Midkiff
2. Meghan Maggio

H. Expert Witnesses: None.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of June, 2025, a copy of the foregoing Pre-Trial Statement was e-served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to mailed first class to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

PRETRIAL CONFERENCE DISPOSITION SHEET

SETTLEMENT OFFICER: **LEAHY**

CASE NAME: **HADEL v. MIDKIFF** CASE NO: **C-06-CV-24-259**

DATE HELD: **JUNE 13, 2025** TIME: **9:00 A.M.**

QUESTIONS TO BE ANSWERED BY THE SETTLEMENT OFFICER BEFORE PROCEEDING: (CIRCLE "Y" FOR YES AND "N" FOR NO)

1. Are the Plaintiff(s) and all counsel personally present and available for the entire Pretrial Conference? (Y) N

2. Are the Defendant(s) and all counsel personally present and available for the entire Pretrial Conference? (Y) N

3. Are all insurance representatives personally present with authority as to all applicable policies and available for the entire Pretrial Conference? Y N N/A

IF THE ANSWER TO ANY OF THE ABOVE QUESTIONS IS NO, THEN PLEASE

A. IDENTIFY WHO IS MISSING/UNAVAILABLE _____;

B. IF POSSIBLE, PROCEED TO ATTEMPT TO SETTLE THE CASE.

RESULTS OF PRETRIAL CONFERENCE

- ● **NOT SETTLED**
  - o Incomplete Discovery - _____
  - o Necessary Party Failed to Appear – SEE ABOVE

- o **PARTIALLY SETTLED**
  - o Your trial date is set for _____ @ 8:45 a.m. and should last _____ hours/days. **OPEN ISSUE(S):** _____.
  - o Your Status Review Hearing is set for _____ @ 8:45 a.m. unless Civil Assignment receives the required paperwork prior to this hearing date.

- o **SETTLED**
  - o Your uncontested Absolute Divorce hearing is set for _____ @ 8:45 a.m.
  - o Your Status Review Hearing is set for _____ @ 8:45 a.m. unless Civil Assignment receives the required paperwork prior to this hearing date.

  - o COSTS: Plaintiff _____ Defendant_____

- o **ADDITIONAL PRETRIAL CONFERENCE REQUESTED (See Motion set forth on opposite side)**

SETTLEMENT OFFICER

Filed 06/13/25

E-FILED; Carroll Circuit Court
Docket: 6/16/2025 1:53 PM; Submission: 6/16/2025 1:53 PM
Envelope: 21649287

BLAKE HADEL,	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant	*	Case Number: C-06-CV-24-000259

DEFENDANT'S PRE-TRIAL STATEMENT

A. Party and Counsel:

Defendant: Kyleigh Midkiff, Defendant.

Counsel for Defendant: W. Bradley Bauhof, Esquire; Hannah Hansen, Esquire; Bauhof Legal, LLC; 22 N Court Street Westminster, MD 21157; 410-876-4500

B. Brief Statement of facts to be relied on as a Defense to each claim:

The Defendant is being sued for defamation regarding 4 comments she made on a Facebook Page. Below are the facts to be relied on in support of her defense that each comment made was either true or her opinion.

Comment 1: "[The Plaintiff has] also been posted here several times because he has SA'd multiple women."

Multiple Facebook posts will show that the Plaintiff had indeed been posted previously on the Facebook page by women claiming that he "SA'd" them, thus proving the truth of Defendant's statement.

Comment 2: "[The Plaintiff] owes thousands of dollars in child support."

A Child Support Order as well as a DHS summary will show that at the time this comment was made the Plaintiff did indeed owe thousands of dollars in child support.

Comment 3: "[The Plaintiff] signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away."

Two Orders will be entered showing the Plaintiff signed his rights away to both of his children. At the time, he owed a substantial amount of money in child support (see Comment 2). The Defendant admitted in his Complaint that at the time he signed away his rights he could not afford the child support that had been ordered. The Defendant also witnessed and overheard several arguments/conversations between the Plaintiff and one of the children's mothers wherein the Plaintiff would tell the mother he could not afford child support and, on one occasion, the Plaintiff told the child he wished she had never been born while in the midst of the child support argument. All of these facts support the Defendant's opinion that the Plaintiff signed his rights away to his children because he could not afford child support.

Comment 4: "The next picture that gets posted of [the Plaintiff] will be a mugshot."

This opinion was based on a magistrate's report and recommendation (along with the supporting exhibits) that found the Plaintiff unfit to have unsupervised visitation with his child due to the Plaintiff's drug use. The Defendant has also been friends with Ms. Maggio, the Plaintiff's ex-girlfriend, for a few years and has heard about the Plaintiff's drug use and behavior from Ms. Maggio as well as from the Court documents. Based on these, and based on the posts by other women on the Facebook page claiming the Plaintiff sexually assaulted them, the Defendant formed her opinion.

C. Amendments: None required by the Defendant.

D. Limitation of Issues: Parties have not discussed or agreed upon any limitation of issues at this time.

E. Stipulations of Fact: Parties have not discussed or agreed upon any stipulations of fact at this time.

F. Documents to be entered into evidence:

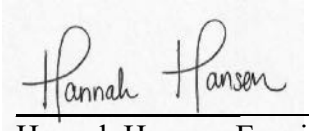
1. All exhibits listed in Plaintiff's Pre-Trial Statement, plus the following:
2. Maggio v. Hadel, C-03-FM-22-005009, Magistrate's Report and Recommendations (with supporting exhibits).
3. Posts from "Are We Dating the Same Guy? | Baltimore / Columbia / Maryland"
4. Hadel v. Fullano, C-03-FM-21-005169, Stipulation Agreement/Voluntary Dismissal/Consent Order.
5. Maggio v. Hadel, C-03-FM-22-005009, Order entered April 7, 2023.
6. Maggio v. Hadel, C-03-FM-22-005009, Stipulation Agreement/Voluntary Dismissal/Consent Order.

G. Witnesses:

1. Kyleigh Midkiff
2. Meghan Maggio

H. Expert Witnesses: None.

Respectfully Submitted,

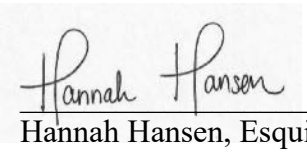


Hannah Hansen, Esquire
22 N. Court Street
Westminster, MD 21157
410-876-4500
hannah@bauhoflegal.com
CPF# 2112140283
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16th day of June, 2025, a copy of the foregoing Pre-Trial Statement was e-served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to mailed first class to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

E-FILED; Carroll Circuit Court
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BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant	)	Case No: C-06-CV-24-000259

PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO MOTION FOR SANCTIONS UNDER SEAL

TO THE HONORABLE JUDGE:

Plaintiff, BLAKE HADEL, by and through his counsel, Sarah Spitalnick, Esquire, respectfully submits this Reply to Defendant's Response to Plaintiff's Motion for Sanctions Under Seal ("Motion") filed on June 11, 2025. Defendant's Response fails to rebut the willful discovery violations, improper filing of an expunged police report, and untimely submission of discoverable materials, which have prejudiced Plaintiff and delayed the judicial process. Additionally, Defendant's failure to timely submit the pre-trial statement, due on June 9, 2025, but submitted on June 11, 2025, constitutes a further violation warranting sanctions. For the reasons set forth below, Plaintiff requests that the Court grant the Motion for Sanctions pursuant to Maryland Rules 1-341, 2-433, and the Court's inherent authority.

Defendant's Untimely Production Of Supplemental Screenshots Was Not Justified

Defendant claims the supplemental screenshots ("Supp. Screenshots") of communications with Meghan Maggio, produced on May 19, 2025, were created on May 9, 2025, after discovery closed, and thus were not withheld during discovery. (Defendant's Response, ¶¶ 3-4).This assertion is implausible and misrepresents the meaning of withholding. Withholding includes Defendant's failure to attempt to obtain responsive discovery materials, such as the Supp. Screenshots, until

after discovery closed, despite Plaintiff's repeated requests. (Motion, Facts 4-13). The Supp. Screenshots, containing communications and documents from 2022-2023, were within Defendant's ability to procure during discovery given her close relationship with Maggio. (Motion, Ex. 7; Facts 27-29). Defendant, who admitted to being best friends with Maggio, could have obtained these materials during discovery, as they were responsive to Plaintiff's Request No. 4. (Motion, Facts 27-28).

Defendant's failure to produce these communications despite four discovery requests (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) demonstrates willful non-compliance. (Motion, Facts 4-13). The untimely disclosure after Plaintiff's Reply to Defendant's Opposition to Summary Judgment prejudiced Plaintiff's ability to investigate or authenticate the evidence. (Motion, Fact 33). Contrary to Defendant's claim that no discovery violations occurred (Defendant's Response, ¶ 12), Maryland Rule 2-433 authorizes sanctions, including preclusion of evidence, for willful discovery violations that prejudice the opposing party. *Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 730 (2002); *Bartholomee v. Casey*, 103 Md. App. 34, 48 (1994). Defendant's reliance on *Bartholomee* to argue preclusion is improper is misplaced, as that case upheld sanctions for undisclosed evidence when it prejudiced the opposing party, as here.

Defendant's Filing Of An Expunged Police Report Was In Bad Faith

Defendant concedes the expunged police report (Exhibit 2) was filed without a Notice of Restricted Information but claims it was not in bad faith and that she did not oppose sealing. (Defendant's Response, ¶¶ 7-8). This does not excuse the violation of Maryland Rule 20-201.1 and Criminal Procedure Article § 10-101 et seq.

The expunged report, dismissed on November 24, 2023, was confidential, and its public filing harmed Plaintiff's privacy and reputation. (Motion, Facts 15-19; *State v. WBAL-TV*, 187 Md. App. 135, 151 (2009)). Defendant offers no explanation for how she obtained the report or why it was not disclosed during discovery, despite its responsiveness to Plaintiff's Requests Nos. 2, 3, and 8. (Motion, Facts 17-20). Defendant's failure to disclose the report during discovery and its public filing without proper notice constitutes bad faith under Maryland Rule 1-341, as it lacked substantial justification and prolonged litigation. Defendant's after-the-fact non-opposition to sealing does not mitigate the harm caused.

Defendant's Late Pre-Trial Statement

Defendant was required to submit a pre-trial statement by June 8, 2025 (June 9, 2025, due to June 8, 2025 falling on a Sunday), per the Court's scheduling order. Defendant submitted the statement on June 11, 2025, two days late, without seeking an extension or providing good cause. This delay is consistent with Defendant's pattern of missing deadlines, including four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025). (Motion, Fact 13). Such conduct abuses the judicial process and justifies sanctions under the Court's inherent authority. *Taliaferro v. State*, 295 Md. 376, 390-91 (1983).

Defendant's Arguments Regarding Prejudice And Remedies Are Without Merit

Defendant claims Plaintiff's case has not been prejudiced because the Supp. Screenshots were disclosed "well in advance of trial" and offers a continuance. (Defendant's Response, ¶ 11). This ignores the prejudice caused by Plaintiff's inability to investigate or authenticate the untimely evidence due to the close of discovery. (Motion, Fact 33). A continuance would further delay the case, increasing Plaintiff's costs, contrary to Defendant's claim that no delay has occurred. (Defendant's Response, ¶ 10). The case's progression to trial does not negate the harm caused by

Defendant's violations. Plaintiff should not have to put off trial any longer due to Defendants violations. Defendant argues sanctions under Maryland Rule 2-433 require a prior order compelling discovery. (Defendant's Response, ¶ 14). However, Rule 2-433(a) permits sanctions without a prior order for willful discovery violations, as here, where Defendant repeatedly failed to produce responsive materials. *Hossainkhail*, 143 Md. App. at 730.

Defendant's claim that Plaintiff failed to submit a verified statement for attorney's fees under Maryland Rule 1-341(b) is premature, as such a statement may be submitted upon the Court's granting of the Motion. (Defendant's Response, ¶ 13).

CONCLUSION

Defendant's Response fails to justify her willful discovery violations, improper filing of an expunged police report, and untimely submission of the pre-trial statement. These actions have prejudiced Plaintiff, increased litigation costs, and abused the judicial process. Plaintiff respectfully requests that the Court:

1. Deem the May 19, 2025, Supp. Screenshots inadmissible;
2. Award attorney's fees and costs;
3. Issue a warning or other sanctions to deter further misconduct; and
4. Grant such other relief as the Court deems appropriate.

Respectfully Submitted,

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
23 Walker Ave., Suite 207
Pikesville, MD 21208
Phone: (484) 332-0454
MD Bar ID: 23112901
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2025, a true and correct copy of the foregoing Reply to Defendant's Response to Plaintiff's Motion for Sanctions Underseal was sent via MDEC and mail to counsel of record for Defendant:

/s/Sarah Spitalnick
Sarah Spitalnick Esq.
Counsel for Plaintiff

E-FILED; Carroll Circuit Court
Docket: 6/11/2025 11:44 AM; Submission: 6/11/2025 11:44 AM
Envelope: 21586297

BLAKE HADEL,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case Number: C-06-CV-24-000259

****

ORDER

Upon consideration of the Plaintiff's Motion for Sanctions Under Seal, and the Defendant's Response thereto, it is this 13th of June, 2025 in the Circuit Court for Carroll County; **ORDERED**

That the Plaintiff's Motion for Sanctions Under Seal is hereby DENIED.

JUDGE, CIRCUIT COURT
FOR CARROLL COUNTY

Entered: Clerk, Circuit Court for
Carroll County, MD
June 17, 2025

E-FILED; Carroll Circuit Court
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Envelope: 22177085

BLAKE HADEL,	)	IN THE
	)	
Plaintiff	)	CIRCUIT COURT
	)	
v.	)	FOR
	)	
KYLEIGH MIDKIFF,	)	CARROLL COUNTY
	)	
Defendant.	)	Case No: C-06-CV-24-000259
	)	

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE DEFENDANT'S PROPOSED EXHIBITS

COMESNOW, Plaintiff Blake Hadel, by and through counsel, hereby files this Motion in Limine to exclude from evidence all proposed exhibits of Defendant Kyleigh Midkiff ("Defendant"), including but not limited to the expunged police report attached as "Exhibit 2" to Defendant's Opposition to Plaintiff's Motion for Summary Judgment and the exhibits supporting the Magistrate's Report and Recommendation referenced in Defendant's Pre-Trial Statement. Plaintiff further requests that the Court impose sanctions pursuant to Maryland Rule 2-433(a)(2) based on Defendant's ongoing and willful failure to comply with discovery obligations. In support thereof, Plaintiff states as follows:

PROCEDURAL HISTORY

1. On October 3, 2024, Plaintiff served his First Set of Discovery Requests on Defendant, including Interrogatories and Requests for Production, with responses due by November 3, 2024, per Maryland Rule 2-421(b).
2. The Requests included: "Request No. 2: All documents you intend to use as evidence in this proceeding"; "Request No. 3: All documents used to verify your social media posts"; "Request No. 4: All communications with Meghan Maggio related to the allegations in

the Amended Complaint"; and "Request No. 8: All documents supporting your defense of truth."

3. Defendant failed to respond by November 3, 2024.
4. On November 6, 2024, Plaintiff's counsel contacted Defendant's counsel in good faith, granting an extension until November 15, 2024.
5. On November 15, 2024, Defendant produced 26 documents, which were incomplete and unresponsive to several requests, including Request No. 4.
6. On December 5, 2024, Plaintiff sent a Deficiency Letter identifying deficiencies in Defendant's responses, with a response due by December 15, 2024.
7. Defendant failed to respond by December 15, 2024.
8. On December 17, 2024, Plaintiff's counsel granted an extension until December 30, 2024, after contacting Defendant's counsel.
9. Defendant failed to respond by December 30, 2024, but provided a partial response on January 2, 2025, after further prompting.
10. On April 18, 2025, Plaintiff sent a Second Deficiency Letter, noting continued deficiencies, including missing communications with Meghan Maggio.
11. Defendant failed to respond by April 28, 2025, prompting Plaintiff's counsel to follow up on April 29, 2025. Defendant responded on May 5, 2025.
12. Defendant missed four discovery deadlines (November 3, 2024; December 15, 2024; December 30, 2024; April 28, 2025) without good cause, causing delays and increasing Plaintiff's litigation costs.
13. On April 27, 2025, Plaintiff filed a Motion for Summary Judgment, resubmitted on April 30, 2025, due to a technical MDEC error.

14. On May 14, 2025, Defendant filed an Opposition to Plaintiff's Motion for Summary Judgment, attaching as "Exhibit 2" a police report that was expunged on November 24, 2023.
15. Defendant filed Exhibit 2 on the public docket without a Notice of Restricted Information (Form MDJ-008), in violation of Maryland Rule 20-201.1.
16. Exhibit 2 was responsive to Plaintiff's Discovery Requests Nos. 2, 3, and 8 but was not disclosed during discovery, in violation of Maryland Rule 2-401 et seq.
17. Defendant has not explained how she obtained the expunged police report or why it was not disclosed during discovery.
18. Exhibit 2 was discoverable during the discovery period for this matter.
19. On May 16, 2025, Plaintiff filed a Reply to Defendant's Opposition, arguing that Exhibit 2 was inadmissible due to its expunged status.
20. On May 19, 2025, after discovery closed and Plaintiff's Reply was filed, Defendant supplemented her discovery responses with screenshots of communications between herself and Meghan Maggio ("Maggio") ("Supp. Screenshots").
21. The Supp. Screenshots include Defendant requesting "evidence" from Maggio about Plaintiff, referencing "drugs" and "custody," and mentioning an unknown third party.
22. These communications were responsive to Request No. 4 but were not produced despite four requests during discovery.
23. Defendant, who admitted to being best friends with Maggio, provided no justification for failing to disclose these communications earlier.

24. Within the Supp. Screenshots are further screenshots of photos, court documents, and other screenshotted text communications, all of which were taken or obtained between 2022 and 2023, well before this matter was filed.
25. Defendant could have easily obtained these screenshots and "evidence" at any point during discovery yet failed to do so despite four requests by Plaintiff.
26. Defendant only disclosed and/or obtained the screenshots after Plaintiff filed his Reply.
27. The untimely disclosure prejudices Plaintiff, who can no longer investigate the Supp. Screenshots, authenticate the communications, or identify the third party due to the close of discovery.
28. Had Defendant disclosed Exhibit 2 and the screenshots during discovery, Plaintiff could have moved to bar their use, conducted further discovery, and mitigated harm to his reputation.
29. On or about June 9, 2025, Plaintiff filed his Pre-Trial Statement, in accordance with the Court's Scheduling Order.
30. Defendant did not file her Pre-Trial Statement until June 11, 2025, two days after it was ordered to be filed.
31. On or about July 16, 2025, Plaintiff submitted his Proposed Exhibits to Defendant, in accordance with the Court's Scheduling Order.
32. As of July 23, 2025, five days after the deadline, Defendant has not exchanged any Exhibits with Plaintiff.
33. Within Defendant's untimely Pre-Trial Statement submission, Defendant specifically states the Magistrate's Report and supporting Exhibits will be used in her defense at trial.

34. The Magistrate's Report was only disclosed in the Supp. Screenshots, but more notably, the supporting exhibits have never been disclosed to Plaintiff as of July 23, 2025, 13 days before trial is set to begin.
35. Defendant has now disregarded six deadlines, including four discovery deadlines, the Pre-Trial Statement deadline, and the Exchange of Exhibits deadline.
36. In Defendant's Pre-Trial Statement, Defendant seeks to enter into evidence exhibits supporting a Magistrate's Report and Recommendation that she plans to rely on in support of her defense to Comment 4: "The next picture that gets posted of [the Plaintiff] will be a mugshot."
37. On the second page of Defendant's Pre-Trial Statement, Defendant writes: "This opinion was based on a magistrate's report and recommendation (along with the supporting exhibits) that found the Plaintiff unfit to have unsupervised visitation with his child due to the Plaintiff's drug use."
38. Since the photos attached as exhibits were also never disclosed in discovery, there is no way for Plaintiff to authenticate the photos. It is unclear if these exhibits are the actual exhibits that were given in Plaintiff's custody case in 2023. Because the exhibits were not disclosed in discovery, Plaintiff has no idea if these are the true photos or doctored.
39. The supporting exhibits and Maggio's testimony had been discredited in the custody matter after Plaintiff reopened it. There is ample evidence to show Maggio was untruthful in that hearing on which the report was based.
40. This is Defendant's sixth discovery violation, and now Plaintiff is significantly prejudiced.

ARGUMENT

Continued Pattern of Disregarding the Scheduling Order

Defendant has shown a clear pattern of disregarding the Court's Scheduling Order and trial deadlines. Defendant missed every single discovery deadline and has missed all pre-trial deadlines thus far. The Court's Scheduling Order was issued to ensure both parties litigate in good faith. Defendant has not only disregarded all deadlines but has also published a sealed document on the public docket and refused to disclose discoverable documents to Plaintiff. Trial is less than two weeks away, and Plaintiff still is not in possession of Defendant's Proposed Trial Exhibits, while Motions in Limine to object to proposed Exhibits are due July 26, 2025. If Defendant submits her Exhibits on July 24, 2025, Plaintiff would have only two days to respond, while Defendant would have ten days. This continues Defendant's willful ignorance of discovery deadlines and delays in exchanging discoverable materials. Defendant's proposed exhibits, as referenced in her Pre-Trial Statement, have never been disclosed, and Defendant is now a week late on exchanging her Proposed Exhibits. Not only is this the third attempt by Defendant to submit documents for trial well outside the discovery period—with documents that could have been obtained during discovery—but it perpetuates Plaintiff having to play catch-up due to Defendant's unexcused delays in producing documents. Defendant clearly lacks respect for this Court's Scheduling Order or deadlines, prejudicing Plaintiff and causing him to incur unnecessary expenses in reacting to Defendant's continued violations.

Plaintiff Is Prejudiced by the Non-Disclosure/Late Disclosure

Plaintiff has been significantly prejudiced by Defendant's violations. He has been stripped of the opportunity to engage with Defendant's discovery due to the late and still-missing disclosures. Defendant had every opportunity to inspect Plaintiff's documents, follow up on Plaintiff's responses, and has been on notice of Plaintiff's evidence since the close of discovery. Plaintiff has not been given the same opportunity and has been prejudiced by Defendant's willful nondisclosure of responsive documents. Plaintiff's expunged report was published on the public docket, which was completely avoidable had Defendant disclosed the report during discovery. Defendant has still failed to articulate any reason why the report was not disclosed in discovery.

Egregiously, Defendant has stated she intends to use the Exhibits to the Magistrate's Report but has failed to disclose these exhibits in discovery, in the untimely supplemental discovery, or by exchanging proposed exhibits with Plaintiff. Plaintiff not only had no opportunity to inspect and authenticate these Exhibits, had no opportunity to follow up on the Exhibits, is less than two weeks from trial and Plaintiff still does not even know what these Exhibits are, and has a significantly shortened time to respond to the Exhibits due to them not being exchanged as ordered by the Court's Scheduling Order.

This is a continuing pattern of Plaintiff needing to follow up, file motions or deficiencies, and not being afforded the same discovery opportunities due to Defendant's willful disregard for discovery and pre-trial procedure. Again, Defendant has failed to follow all discovery deadlines and all pre-trial deadlines to date, while Plaintiff has followed all deadlines routinely.

Plaintiff respectfully requests that the Court exclude from evidence all of Defendant's proposed Exhibits (as referenced in Defendant's Pre-Trial Statement, since Defendant has not produced any proposed trial exhibits as of July 21, 2025) pursuant to Maryland Rule 5-403 or, in the alternative, exclude the Exhibits attached to the Magistrate's Report. Their introduction would serve only to mislead the jury and unfairly taint Plaintiff's character based on voided, unreliable, and undisclosed content. Maryland courts routinely exclude such material where the probative value is "substantially outweighed by the danger of unfair prejudice." *See Taneja v. State*, 231 Md. App. 1, 11 (2016). Because the report's exhibits have been disputed as to their accuracy in Plaintiff and Maggio's custody matter *and* they have never been disclosed to Plaintiff in this matter, they should be excluded from trial.

In the alternative, should the Court allow Defendant to reference or introduce the Magistrate's Report's supporting exhibits, Plaintiff requests that their use be strictly limited to impeachment of Maggio and Defendant. The report was issued following a default hearing at which Plaintiff was not present and contains untested, perjured testimony made solely by Maggio and her witness. Since that time, the family court has entered a Consent Order that explicitly voids the report, rendering any factual findings or accusations within it moot. Plaintiff has substantial evidence, including sworn testimony and court orders, demonstrating that Maggio's default hearing testimony was materially false. Any reference to that voided reports exhibits should therefore be limited to impeachment, if permitted at all.

Sanctions Are Warranted Under Maryland Rule 2-433(a)(2)

Plaintiff respectfully requests that the Court impose sanctions pursuant to Maryland Rule 2-433(a)(2) based on Defendant's ongoing and willful failure to comply with discovery

obligations and pre-trial deadlines. Defendant never produced the Magistrate's Report and Recommendation's supporting exhibits during discovery, despite their centrality to her defense, their inclusion on her exhibit list, and their responsiveness to Plaintiff's Discovery Requests. This is not an isolated oversight but rather the latest in a pattern of discovery violations that has significantly prejudiced Plaintiff—now Defendant's sixth violation—depriving him of any opportunity to inspect, verify, or rebut these materials before trial. Maryland courts recognize that sanctions are appropriate where a party "fails to serve a response to interrogatories" or "fails to respond to a request for production," and a court may order that the violating party be prohibited "from introducing designated matters in evidence." Md. Rule 2-433(a)(2); *See Food Lion v. McNeill*, 393 Md. 715, 734 (2006). Here, Plaintiff is now faced with surprise documents he cannot authenticate and that may not even be genuine, creating serious risk of unfairness at trial. Sanctions are therefore warranted to exclude these materials and deter further misconduct.

CONCLUSION

For the foregoing reasons, all of Defendant's proposed Exhibits (as referenced in her Pre-Trial Statement) should be excluded from evidence, or in the alternative, their use should be strictly limited to impeachment of Maggio and Defendant, and the Court should impose sanctions pursuant to Maryland Rule 2-433(a)(2) based on Defendant's ongoing and willful failure to comply with discovery obligations.

Dated: July 23, 2025

Respectfully submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick
MD Bar ID: 23112901

LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 23, 2025, a copy of the foregoing Motion in Limine was sent electronically via MDEC to the email address on file for Counsel for the Defendant.

/s/ Sarah Spitalnick

Sarah Spitalnick

E-FILED; Carroll Circuit Court
Docket: 7/29/2025 3:23 PM; Submission: 7/29/2025 3:23 PM
Envelope: 22259800

BLAKE HADEL,	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant	*	Case Number: C-06-CV-24-000259

DEFENDANT'S REPSONSE TO PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE DEFENDANT'S PROPOSED EXHIBITS

NOW COMES the Defendant, Kyleigh Midkiff, by and through her counsel, Hannah Hansen, Esquire and Bauhof Legal, LLC, hereby files this Response to Plaintiff's Motion in Limine to Exclude Defendant's Proposed Exhibits and respectfully submits to this Honorable Court:

1. That the Plaintiff has filed a Motion In Limine to Exclude Defendant's Proposed Exhibits.
2. That Defendant is proposing only one exhibit, which is a Magistrate's Report and Recommendation with its attached exhibits. (See Exhibit 1).
3. That Plaintiff argues that Defendant supplemented discovery on May 19, 2025, with this exhibit that was responsive to discovery requests but which had been purposefully withheld from the Plaintiff until after the close of discovery.
4. That Plaintiff's argument is based on the assumption that Defendant was in possession of this exhibit prior to the start of discovery, or, at least, prior to the close of discovery. This assumption is false.
5. That Defendant obtained this exhibit on May 9, 2025, after discovery was closed, as she was gathering information in anticipation of her response to Plaintiff's Motion for

Summary Judgment. Defendant was not in possession of this exhibit prior to May 9, 2025.

6. That Defendant produced these documents to Plaintiff at the first reasonable opportunity after receiving them and after responding to Plaintiff's Motion for Summary Judgment.
7. That Plaintiff has now had this exhibit since May 14, 2025, when Defendant filed her Response to Plaintiff's Motion for Summary Judgment and included this exhibit in her filing.
8. That Plaintiff argues that because this exhibit was not disclosed until after discovery, there is no way to authenticate the photos or to know if these were the actual exhibits attached to the Magistrate's Report and Recommendation. *Plaintiff's Mot. 5.*
9. That Plaintiff has had ample time and opportunity to go to the Courthouse and ask for a copy of this Report and Recommendation with its supporting exhibits to verify their authenticity.
10. That Plaintiff was a party to the case in which the Report and Recommendation was entered, and, as such, he should have a copy of this document already and should know if it is authentic.
11. That Plaintiff claims he is significantly prejudiced by this exhibit's late disclosure and asks this Court to exclude Defendant's exhibit from evidence.
12. That Plaintiff sent his proposed exhibits to Defendant in a timely manner.
13. That, among Plaintiff's proposed exhibits, is the Report and Recommendation at issue, but none of the exhibits that the Magistrate mentions in his Report.
14. That, because Plaintiff himself intends to admit the Magistrate's Report and

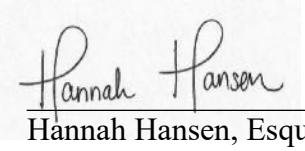
Recommendation into evidence, it defies logic and the rules of evidence to ask this Court to exclude the exhibits that are mentioned in the Magistrate's report and attached thereto.

15. That Plaintiff's case has not been prejudiced as he received this discoverable information as soon as it was reasonably possible and has ample time to review this information before trial.
16. That no discovery violations have occurred. If they had, which they have not, the proper remedy would be to compel the disclosure of such discovery and give the opposing party adequate time to review. *Bartholomee v. Casey*, 103 Md. App. 34, 49 (1994). Preclusion of this evidence is not a proper remedy when discovery is disclosed well in advance of trial. *Id.*

WHEREFORE, your Defendant prays for the following relief:

A. That Plaintiff's Motion in Limine to Exclude Defendant's Proposed Exhibits be DENIED.

Respectfully submitted,



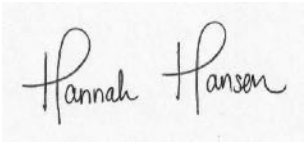
Hannah Hansen, Esquire
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
hannah@bauhoflegal.com
CPF # 2112140283
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 29th day of July, 2025, a copy of the foregoing

Response was served via MDEC eservice and/or mailed via first class mail, postage pre-paid, to:

Sarah Spitalnick, Esquire
23 Walker Ave., Suite 207
Pikesville, MD 21208
Attorney for Plaintiff



Hannah Hansen, Esquire

E-FILED; Circuit Court
Docket: 7/29/2025 3:23 PM; Submission: 7/29/2025 3:23 PM
Envelope: 22259800

EXHIBIT
Def. 1

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

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MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9-208*, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

NOTICE REGARDING EXCEPTIONS

In accordance with *Annotated Code of Maryland, Maryland Rule 9-208(f)*, a party intending to file Exceptions to the recommendation of the Magistrate shall file such Exceptions with the Clerk of the Court within ten (10) days after recommendations are placed on the record or served pursuant to *Annotated Code of Maryland, Maryland Rule 9-208(e).*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2023, I mailed via first-class, postage prepaid, a copy of the foregoing Report and Recommendations to:

Jocelyne L. Gresock, Esquire
The Women's Law Center
305 West Chesapeake Avenue
Suite 201
Towson, Maryland 21204

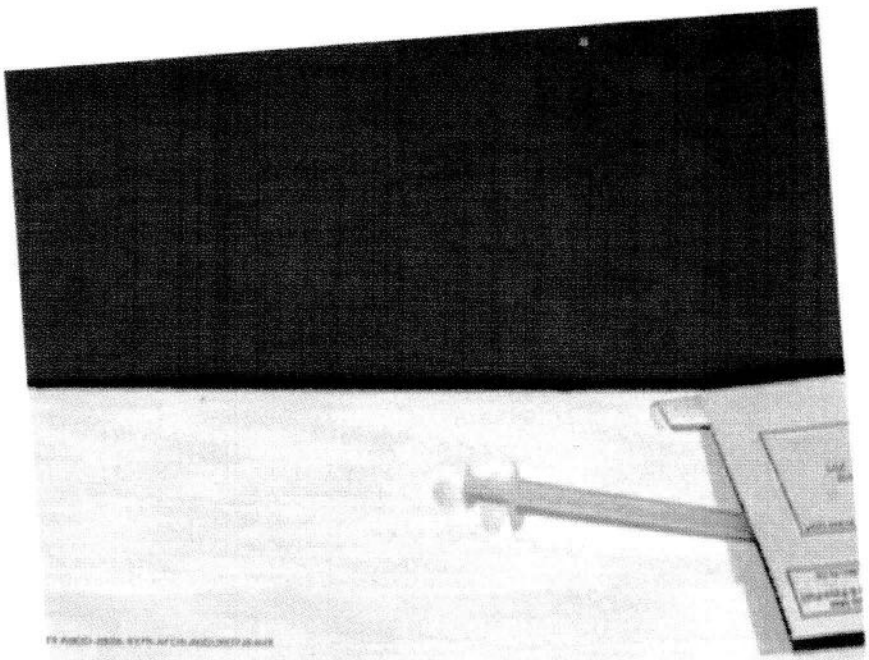
Plaintiff

and

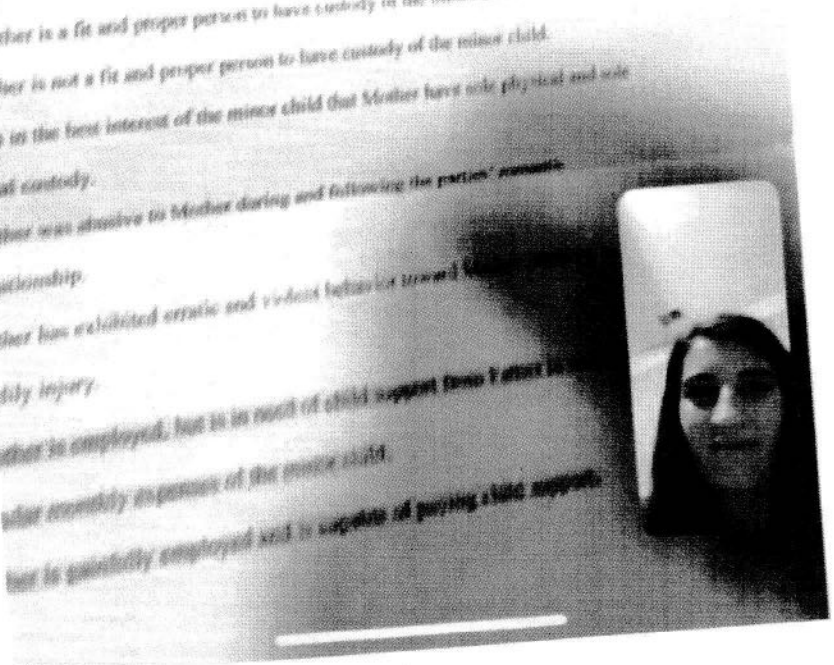
Blake Hadel
4050 Beach Road
Dundalk, Maryland 21222

Defendant

Suzanne Farace
MAGISTRATE



6. From her birth until the filing of this Complaint for Custody, the minor child has resided with Mother and maternal grandparents at 7205 Iowa Drive, Morrisville, MD 21104.
7. Mother has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor child.
8. Mother has no information of any similar proceeding concerning the minor child pending in Maryland or any other state.
9. Mother knows of no individual other than the current parties to this case who has physical custody of the minor child or claims to have custody or visitation rights with respect to the minor child.
10. Mother has been the primary caretaker of the minor child since her birth.
11. Mother is a fit and proper person to have custody of the minor child.
12. Father is not a fit and proper person to have custody of the minor child.
13. It is in the best interest of the minor child that Mother have sole physical and sole legal custody.
14. Father was abusive to Mother during and following the parties' romantic relationship.
15. Father has exhibited erratic and violent behavior toward [redacted] daily injury.
16. Father is employed, but in need of child support from Father in [redacted]
17. Father monthly expenses of the minor child.
18. Father is gainfully employed and is capable of paying child support.



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Blake Hadel >
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Like now I'm tripping hard I need the rest of my family here
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Are
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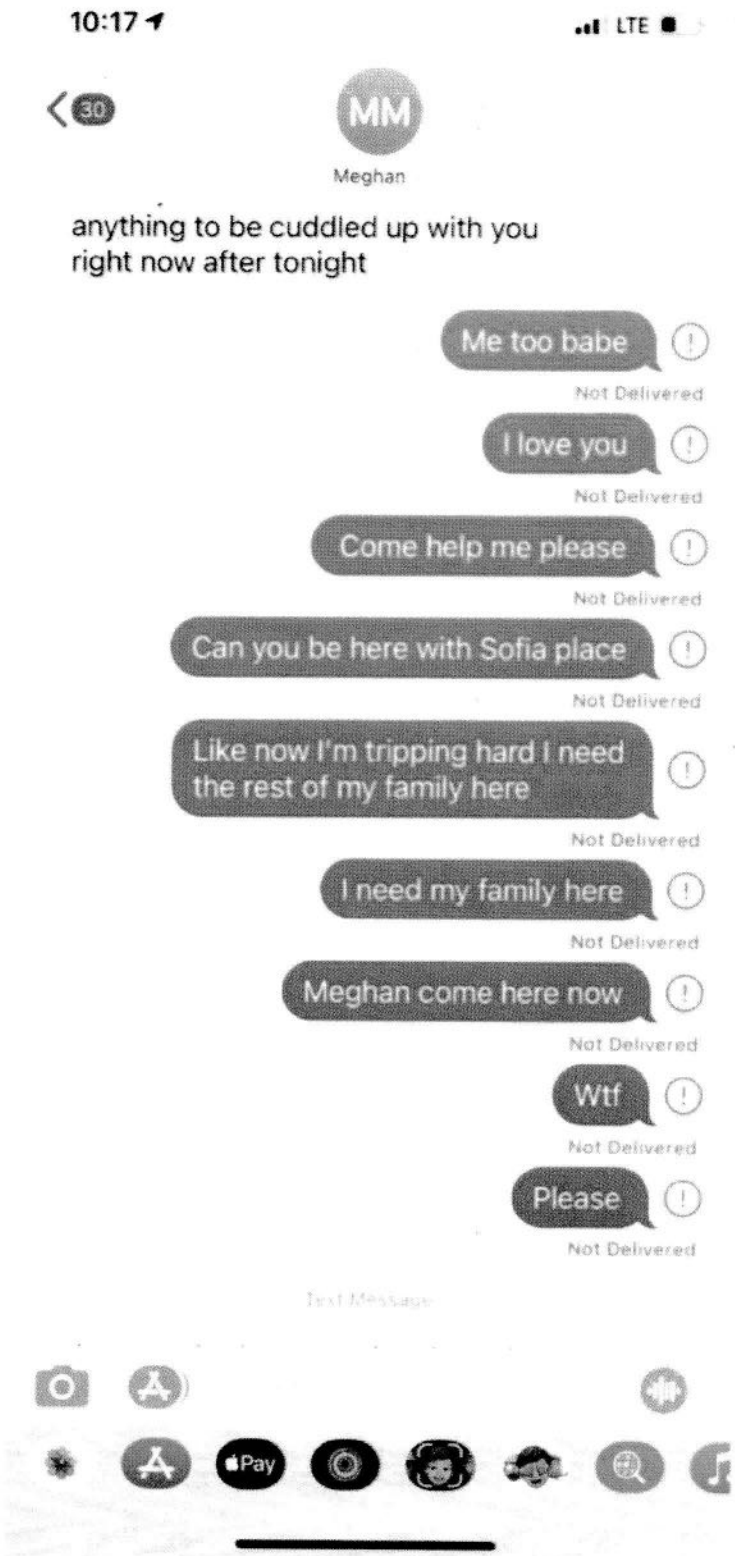
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anything to be cuddled up with you right now after tonight
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Come help me please
Not Delivered
Can you be here with Sofia place
Not Delivered
Like now I'm tripping hard I need the rest of my family here
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I need my family here
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Meghan come here now
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Wtf
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Please
Not Delivered
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Pay

11:09 LTE

BLAKE L. HADEL

In My Contacts

BLAKE

I think it's hilarious though I'm literally keeping it
I don't give a fuck

ME

BLAKE

Lmao nahhh

ME

Yesss huh. That's how big your eyes look fr

BLAKE

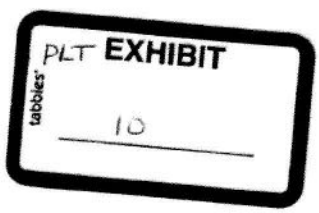
Because I just sniffed a ball of blow and popped
a Molly two seconds before that picture

ME

You and that fucking molly
Thank god I didn't come over tonight

BLAKE

Yeah I need to stop the drugs dad life
Sike
Yea I'd blow your back out on the Molly



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E-FILED; Carroll Circuit Court
Docket: 7/30/2025 8:02 AM; Submission: 7/30/2025 8:02 AM
Envelope: 22266427

IN THE CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

BLAKE HADEL *Plaintiff* v. **KYLEIGH MIDKIFF** *Defendants*	**Case No. C-06-CV-23-000313**

PLAINTIFF'S PROPOSED VOIR-DIRE QUESTIONS

1) Does any member of the jury pool know any of the individual parties in this matter? They are:

   a) Blake Hadel
   b) Kyleigh Midkiff

2) Does any member of the jury pool know any of the following potential witnesses in this matter:

   a) Brenda Hopka-Hadel
   b) Michael Lusk
   c) Blake Hadel
   d) Kyleigh Midkiff
   e) Meghan Maggio
   f) Sherrie Miller

3) Is any member of the jury pool an attorney?

4) Has any member of the panel had any legal training or worked in a law office?

5) Has any member of the jury pool ever been a party to a lawsuit?

6) Has any member of the panel ever been a witness in a court case?

7) Has any member of the panel ever been the victim of a crime?

8) Does any member of the panel believe that you or any members of your immediate family have been mistreated by the judicial process?

9) Does or has any member of the panel owned their home?

10) Does or has any member of the panel owned their own business?

11) Has any member of the panel ever worked in any of the construction trades?

12) Is there any member of the jury or their immediate family, who works or has worked for a roofing/general contracting company?

13) Is there any member of the jury or their immediate family, who owns and operates rental properties?

14) Is any member of the panel, or any member of their immediate family, a Maryland Home Improvement Licensed Contractor or the equivalent in another state?

15) Has any member of the panel, or any member of their immediate family or close friends, ever been a victim of sexual assault, sexual abuse, or any similar crime?

16) Has any member of the panel, or any member of their immediate family or close friends, ever been accused of sexual assault, sexual abuse, or any similar crime?

17) Does any member of the panel have any strong opinions or biases regarding the #MeToo movement, victims of sexual misconduct speaking out publicly (including online), or related issues that might affect your ability to be impartial in a case involving allegations of misconduct?

18) Does any member of the panel believe that women who complain about mistreatment or misconduct by men, particularly online or on social media, are generally credible, or do you tend to view such complaints skeptically?

19) Has any member of the panel, or has any member of their immediate family or close friends, ever experienced issues with drug use, abuse, or addiction, or been involved in any drug-

related incidents?

20) Has any member of the panel, or has any member of their immediate family or close friends, ever been treated for substance abuse or participated in any drug rehabilitation programs?

21) Does any member of the panel, or does any member of their immediate family or close friends, participate in or read any Facebook groups or pages related to dating, infidelity in relationships, sexual assault support, roofing companies, or similar topics?

22) Has any member of the panel seen or participated in any discussions on social media (including Facebook) about this case, the parties involved?

23) Has any member of the panel ever posted, commented, or interacted with the Facebook page "Are We Dating The Same Guy?"

24) Are any of the members of the panel members of any "Are We Dating The Same Guy?" Facebook groups?

25) Does any member of the panel have any personal knowledge of Blake Hadel, his roofing business, or any related companies, including any disputes or experiences that might influence their views on this case?

26) Does any member of the panel have any strong opinions about traditional gender roles, masculinity, or how men and women should interact in professional or personal settings that might affect your impartiality?

27) Has any member of the panel, or has any member of their immediate family or close friends been engaged in a bitter child custody, child support, or divorce dispute?

28) This is a civil case, as distinguished from a criminal case. One of the important differences between criminal and civil cases is that, in civil cases such as this, plaintiff and counter-plaintiffs are only required to prove their case by what is known as a preponderance of the evidence. They are not required to prove their case beyond a reasonable doubt as is required in a criminal case.

Proving a case by a preponderance of the evidence may be described as tipping the scales of justice the slightest bit in favor of the plaintiff or counter-plaintiff. Is there any member of the panel who does not understand the difference between a civil and a criminal case as described?

29) Has any member of the panel ever served on a civil jury?

30) Of those members of the panel who have served on civil juries, do you regard the case you heard to be similar to this case?

31) Of those members of the panel who have served on prior civil juries, do you understand that each case is different and is to be decided on its own merits?

32) Does any member of the panel believe that a jury verdict will affect you, the public, your friends, or your neighbors in any way?

33) Does any member of the jury pool know any of the attorneys in this matter? They are:

a) Sarah Spitalnick, Esq.;
b) W. Bradley Bauhof Esq.;
c) Hannah Hansen Esq.

34) Does any member of the jury pool have any information concerning these proceedings other than what you have been advised by the Court today?

35) After the members of the jury have seen the evidence and heard the testimony in this case, I will instruct you as to what the law is so that you can apply the law to the facts. Is there any member of the panel who will not be able to apply the law as I explain it to you even if your ideas of the law are different from what I tell you?

36) Will each of you be able to render your verdict solely on the evidence presented to you and completely follow the jury instructions that I give you?

37) The trial of this case is expected to last 3 days. Do any of you have any commitments that would prevent you from serving on this jury for the duration of this trial?

38) Does any member of the panel have any medical problems, physical ailments, or any difficulties that would prevent you from sitting for hours at a time?

39) Is there any reason why any member of the jury pool feels that they cannot be fair and impartial in this matter?

40) Does any member of the prospective panel have any specific problems at home or on the job which might make you lose your concentration during the trial or cause you to hurry the decision-making process in the jury room?

Respectfully Submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 30, 2025, a copy of the foregoing Proposed Voir Dire was sent electronically via MDEC to the email address on file for Counsel for the Defendant.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Carroll Circuit Court
Docket: 7/30/2025 8:02 AM; Submission: 7/30/2025 8:02 AM
Envelope: 22266427

IN THE CIRCUIT COURT OF MARYLAND FOR CARROLL COUNTY

BLAKE HADEL *Plaintiff* v. **KYLEIGH MIDKIFF** *Defendant*	**Case No. C-06-CV-23-000259**

PLAINTIFF'S PROPOSED JURY INSTRUCTIONS

I. PLAINTIFF'S REQUEST FOR INSTRUCTIONS TO THE JURY BEFORE AND DURING TRIAL

A) Explanation of Trial Procedure *[MPJI-Cv 1:1]*

Members of the jury, in this case the Plaintiff Blake Hadel has sued the Defendant Kyleigh Midkiff for:

(1) Four Counts of Defamation.

The trial will proceed in the following way. You will first hear opening statements by the lawyers. Each party has the right to make an opening statement for the purpose of outlining for you what the parties expect to prove. The plaintiff's lawyers will make the first opening statement and then the defendants' lawyers may choose whether to make an opening statement.

The plaintiff will then present evidence. After the plaintiff's case has been presented through witnesses and exhibits, the defendants will then have an opportunity to present evidence. Each witness is first examined by the party who calls the witness to testify and then the opposing party is permitted to cross-examine the witness.

During the trial the lawyers may make objections to the introduction of evidence or make motions concerning the law. Arguments in connection with objections or motions are usually made out of the hearing of the jury, either here at the bench or after the jury has been excused from the courtroom. This is because questions of law and admissibility of evidence do not involve the jury; they are decided by the judge. It is the duty of a lawyer to make objections and motions which the lawyer believes are proper. You should not be influenced by the fact that a lawyer has made objections or by the number of objections which have been made. You should draw no conclusions from my rulings, either as to the merits of the case or as to my views regarding any witness or the case itself.

After the conclusion of all of the evidence, I will instruct you as to the law which is applicable to this case. You must follow and apply the law as I will explain it to you. After these instructions, the lawyers will make their closing arguments. In their arguments, the lawyers will point out to you what they contend the evidence has shown and the conclusions they would like you to draw from the evidence. The plaintiff's lawyers will make the first closing argument, then the defendants' lawyers will make a closing argument. After the defendants' argument, the plaintiff will have an opportunity to make an argument in rebuttal to the defendants' argument. What the lawyers say in their opening statements, in their closing arguments, and in making objections or motions during the trial, is not evidence. The reason the plaintiff goes first in each instance is because the plaintiff has the burden of proof.

After closing arguments, you will retire to the jury room and begin your deliberations. It will then be your function and responsibility to decide the facts. You must base your findings only upon the testimony, the exhibits received and the stipulation(s) of the parties and any conclusions which may fairly be drawn from that evidence.

B) General Principles

The following general principles are intended to assist you in judging the evidence and to guide you in the performance of your duties as jurors during the course of the trial:

(1) [MPJI-Cv 1:2] During the course of the trial, it will be my duty to rule on a number of questions of law, such as objections to the admissibility of evidence, the form of questions, and other legal points. You should not draw any conclusions from these rulings either as to the merits of the case, or as to my views regarding any witness, party, or the case itself.

It is the duty of a lawyer to make objections that the lawyer believes are proper. You should not be influenced by the fact that these objections were made, no matter how the court may have ruled on them. You must disregard any evidence which I have ordered stricken. If I sustained an objection to any question, you must not speculate about what the answer might have been.

(2) [MPJI-Cv 1:3] Any person who testifies, including a party, is a witness. You are the sole judges of whether testimony should be believed. In making this decision, you may apply your own common sense and everyday experiences.

In deciding whether a witness should be believed, you should carefully consider all the testimony and evidence, as well as whether the witness's testimony was affected by other factors. You should consider such factors as:

(i) the witness' behavior on the stand and way of testifying;
(ii) the witness' opportunity to see or hear the things about which testimony was given;
(iii) the accuracy of the witness' memory;
(iv) whether the witness had a motive not to tell the truth;
(v) whether the witness had an interest in the outcome of the case;
(vi) whether the witness's testimony was consistent;
(vii) whether the witness's testimony supported or contradicted other evidence, and
(viii) whether and the extent to which the witness's testimony in the court differed from

statements made by the witness on any previous occasion.

You are the sole judges of whether a witness should be believed. You need not believe any witness even though the testimony is uncontradicted. You may believe all, part, or none of the testimony of any witness. You need not believe any witness even though the testimony is uncontradicted. You may believe all, part, or none of the testimony of any witness.

(3) [MPJI-Cv 1:5] You must consider and decide this case fairly and impartially. All persons, including corporations, stand equal before the law and are entitled to the same treatment under the law. You should not be prejudiced for or against a person because of that person's race, color, gender, religion, political or social views, wealth or poverty. You should not even consider such matters. The same is true as to prejudice, for or against, and sympathy for any party.

(4) **[MPJI-Cv 1:6]** We all have personal likes and dislikes, opinions and preferences based on our own experiences and backgrounds. We are aware of some of these preferences or biases. We may not be aware of others, which are called implicit biases. You should consider the possibility that you may have implicit biases and guard against allowing them to influence your decisions. You must not make decisions in this case based on personal sympathies, prejudices, or known or implicit biases. You must decide this case without bias in favor of, or against, any person based on race, ethnicity, national ancestry, religion, gender, sexual orientation, age, disability, socioeconomic status or housing insecurity. Your verdict must be based solely on the evidence presented.

(5) [MPJI-Cv 1:7] You should not conclude from any conduct or words of mine that I favor one party or another, or that I believe or disbelieve the testimony of any witness. You, not I, are the sole judges of the believability of a witness and the weight of the evidence. You must not be influenced in any way by my conduct during the course of the trial.

(6) [MPJI-Cv 1:8] In making your decision, you must consider the evidence in this case; that is:

(i) testimony from the witness stand and "remote" testimony;
(ii) physical evidence or exhibits admitted into evidence;
(iii) stipulations;
(iv) depositions; and
(v) facts that I have judicially noticed.

(7) [MPJI-Cv 1:9] There are two types of evidence—direct and circumstantial. Direct evidence is, for example, testimony of a person reporting firsthand knowledge of a matter, such as testimony or an eyewitness to an occurrence. Circumstantial evidence is indirect and is proof of a chain of facts and circumstances that point to the existence of certain facts. For example, if a witness testifies that he saw a deer in the field, that is direct evidence that there was a deer in the field. If a person testifies that he saw deer prints in the snow in the field, that is direct evidence that there were deer prints in the snow, and circumstantial evidence that there was at least one deer in the field. The law makes no distinction between the weight to be given to either type of evidence. No greater degree of certainty is required of circumstantial evidence than of direct evidence. In reaching a verdict, you should weigh all of the evidence presented, whether direct or circumstantial.

(8) [MPJI-Cv 1:13] A deposition is testimony under oath given by a witness out of court. You should treat a deposition in the same manner as you would if the witness had testified in this courtroom or by "remote" testimony.

(9) [MPJI-Cv 1:16] The party who asserts a claim or affirmative defense has the burden of proving it by what we call the preponderance of the evidence.

In order to prove something by a preponderance of the evidence, a party must prove that it is more likely so than not so. In other words, a preponderance of the evidence means such evidence which, when considered and compared with the evidence opposed to it, has more convincing force

and produces in your minds a belief that it is more likely true than not true.

In determining whether a party has met the burden of proof you should consider the quality of all of the evidence regardless of who called the witness or introduced the exhibit and regardless of the number of witnesses which one party or the other may have produced.

If you believe that the evidence is evenly balanced on an issue, then your finding on that issue must be against the party who has the burden of proving it.

(10) [MPJI-Cv 1:18] The destruction of or the failure to preserve evidence by a party may give rise to an inference unfavorable to that party. If you find that the intent was to conceal the evidence, the destruction or failure to preserve must be inferred to indicate that the party believes that his or her case is weak and that he or she would not prevail if the evidence was preserved. If you find that the destruction or failure to preserve the evidence was negligent, you may, but are not required to, infer that the evidence, if preserved, would have been unfavorable to that party.

(11) [MPJI-Cv 1:20] Each defendant is entitled to a fair and separate consideration of that defendant's own defense and is not to be affected by your decision with respect to the other defendant[s]. These instructions apply to each defendant unless otherwise indicated.

(12) [MPJI-Cv 1:21] In this case, it will be your duty to return your verdict in the form of written answers to the written questions, which are submitted to you by the Court. Your answers will constitute your verdict. Each answer is to be written in the space provided after each question. Before making each answer, all of you must agree upon it. It is your duty to answer each of these questions in accordance with the evidence in this case.

(13) [MPJI-Cv 1:22] In order to reach a verdict in this case, each of you must agree upon it. Your verdict must be unanimous.

> **[MPJI-Cv 1:23]** The verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree thereto. Your verdict must be unanimous.

Do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment.

Each of you must decide the case for yourself but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous.

C) Admonitions as to Juror Conduct

This case will probably take Four (4) days to conclude. During that period, there will be recesses and adjournments of court when you will be excused. From this point forward, until the case is over, and you have rendered your verdict, you may not discuss the case with anyone who is not on the jury. You may not discuss the case even with each other during the trial. You must wait until after you have heard (1) all of the evidence, (2) my instructions as to the law, and (3) closing arguments. In fairness to all the parties to this case, you should keep an open mind throughout the trial. You should reach your final conclusions only during your deliberations after having heard all of the evidence, my instructions as to the law and the lawyers' closing arguments. Until the trial is over, you must avoid all contact of any kind with any of the participants in the trial, except for common courtesy such as the exchange of greetings. That includes the parties, the lawyers, the witnesses and any persons whom you see in close contact with these individuals. Do not visit the scene of any incident mentioned in the testimony or seek advice from friends or acquaintances as to any issues in this case or otherwise conduct investigation outside the courtroom. The reason for this is that you must decide the case only on the evidence which you have heard and seen in the courtroom and on nothing else.

D) Admonition to Jurors to be read at the adjournment for the Day

The court will now be in adjourned until (blank). As I indicated during the instructions at the beginning of this trial, during any recess or adjournment you may not and should not discuss the case with anyone not on the jury. You may not discuss this case even with each other or use any electronic device, web search, or tool of technology to obtain information about this case, the attorneys, the parties, or the witnesses, or to help you decide the case. Do not try to find out information from any source. Do not visit the scene of any incident mentioned in the testimony or seek advice from friends or acquaintances as to any issues in this case or otherwise conduct an investigation outside the courtroom.

E) Note Taking by Jury

Each of you has been given a note pad to be used if you wish to take notes during the trial. Please write your name and nothing else on the first page of your note pad. At the end of the day, the bailiff will collect the note pads, and no one will be permitted to read them. Any notes you take are only to help you remember and are not evidence. Do not let note taking interfere with watching and listening to the witnesses.

II. PLAINTIFF'S REQUESTS FOR JURY INSTRUCTIONS AT CONCLUSION OF ALL EVIDENCE AND BEFORE CLOSING ARGUMENTS

A) General Instructions.

(1) [MPJI-Cv 1:1] Members of the jury, the time has come for the court to give you its instructions with respect to the law that is applicable in this case. You should consider my instructions as a whole, and you should not single out any particular sentence, phrase, or word to the exclusion of another. If I state any rule or idea in differing ways, no emphasis on any particular phraseology is intended by me. You should not attach any significance to the order in which I state these instructions. You must apply the law as I explain it to you. My statement of the law is binding on you and must be followed by you whether you personally agree or disagree with the wisdom of any rule of law.

Any comments I may make about the facts are only to help you and you are not required to agree with them. It is your function and responsibility to decide the facts. You must base your findings only upon the testimony, the exhibits received, and the stipulation[s] of the parties, including any conclusions which may be fairly drawn from that evidence. Opening statements and arguments of the lawyers are not evidence in this case. If your memory of any of the testimony is different from any statement that I might make during the course of these instructions or that counsel might make in argument, you must rely on your own memory.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a smart phone, cell phone, email, text messaging, X (formerly Twitter), any blog or website, any internet chat room or forum, or other social networking websites, including Facebook, LinkedIn, Reddit, TikTok, Instagram, and YouTube to communicate to anyone any information about this case or to conduct any research about this case until the verdict is accepted.

(2) [MPJI-Cv 1:16] The party who asserts a claim or affirmative defense has the burden of proving it by what we call the preponderance of the evidence.

In order to prove something by a preponderance of the evidence, a party must prove that it is more likely so than not so. In other words, a preponderance of the evidence means such evidence which, when considered and compared with the evidence opposed to it, has more convincing force and produces in your minds a belief that it is more likely true than not true.

In determining whether a party has met the burden of proof you should consider the quality of all of the evidence regardless of who called the witness or introduced the exhibit and regardless of the number of witnesses which one party or the other may have produced.

If you believe that the evidence is evenly balanced on an issue, then your finding on that

issue must be against the party who has the burden of proving it.

III. DEFENDANTS' REQUESTED JURY INSTRUCTIONS NO. 3

A) Plaintiff seeks to recover damages based upon a claim of a Defamation.

(1) [Seley-Radtke v. Hosmane, 450 Md. 468 (2016)] To present a case for defamation, a plaintiff must establish that:

(i) the defendant made a defamatory statement to a third person;
(ii) that the statement was false;
(iii) that the defendant was legally at fault in making the statement; and
(iv) that the plaintiff thereby suffered harm.

(2) [MPJI-Cv 12:1] A defamatory statement is a false statement about another person that exposes that person to public scorn, hatred, contempt, or ridicule, thereby discouraging others in the community from having a good opinion of, or from associating or dealing with, that person. Defamation may result from a statement communicated to a third person either orally or in writing.

(3) [MPJI-Cv 12:2] A statement made about a private figure is defamatory only if the party making the statement should have known that the statement was false.

(4) [MPJI-Cv 12:4] A false statement is a statement that is substantially incorrect. Minor errors do not make a statement false if the substance or main thrust of the statement is true.

(5) [MPJI-Cv 12:5] Actual malice exists when the person making the false statement knew either that the statement was false, or that it was almost certainly false, or had obvious reasons to distrust the accuracy of the statement.

(6) [MPJI-Cv 12:6] A person who is the subject of a defamatory statement that was not made with actual malice must show actual damages in the form of financial loss, injury to reputation, mental anguish, or some other tangible injury, in order to obtain relief.

Respectfully Submitted,

/s/ Sarah Spitalnick
Sarah Spitalnick Esq.
MD Bar ID: 23112901
LAW OFFICE OF SARAH SPITALNICK
23 Walker Ave., Suite 207
Baltimore, MD 21208
(484) 332-0454
sarahspitalnickesq@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 30, 2025, a copy of the foregoing Proposed Jury Instructions was sent electronically via MDEC to the email address on file for Counsel for the Defendant.

/s/ Sarah Spitalnick
Sarah Spitalnick

E-FILED; Carroll Circuit Court
Docket: 7/30/2025 3:29 PM; Submission: 7/30/2025 3:29 PM
Envelope: 22281803

IN THE CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

BLAKE HADEL *Plaintiff* v. **KYLEIGH MIDKIFF** *Defendants*	**Case No. C-06-CV-24-000259**

DEFENDANT'S PROPOSED VOIR DIRE

Defendant suggests this Honorable Court adopt the Maryland Model/Standard Voir Dire.

Further, Defendant submits the following party/witness list:

-Kyleigh Midkiff, Defendant

-Meghan Maggio, Witness

-Bradley Bauhof, Bauhof Legal, Attorney for Defendant

-Hannah Hansen, Bauhof Legal, Attorney for Defendant.

Defendant objects to the self-styled proposed Voir Dire submitted by the Plaintiff.

Respectfully submitted,

/s/W. Bradley Bauhof
W. Bradley Bauhof, Esquire
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
brad@bauhoflegal.com
CPF # 9312140047
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 30, 2025, a copy of the foregoing Proposed Voir Dire was sent electronically via MDEC to the email address on file for Counsel for the Plaintiff.

/s/ W. Bradley Bauhof
W. Bradley Bauhof, Esquire

E-FILED; Carroll Circuit Court
Docket: 7/30/2025 3:29 PM; Submission: 7/30/2025 3:29 PM
Envelope: 22281803

IN THE CIRCUIT COURT OF MARYLAND FOR CARROLL COUNTY

BLAKE HADEL
Plaintiff

v.

KYLEIGH MIDKIFF
Defendant

Case No. C-06-CV-24-000259

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

The Defendant proposes the following particular Jury Instructions:

1. MPJI-CV 1:16 [Burden of Proof- Preponderance of Evidence Standard]
2. MPJI-CV 10:17 [Punitive Damages- Defamation]
3. MPJI-CV 12:1 [Defamation- Generally]
4. MPJI-CV 12:2 [Defamation- Private Figure]
5. MPJI-CV 12:4 [False Statement-Defined]
6. MPJI-CV 12:5 [Actual Malice- Defined]

Respectfully submitted,

/s/W. Bradley Bauhof
W. Bradley Bauhof, Esquire
22 N. Court Street
Westminster, MD 21157
(410) 876-4500
brad@bauhoflegal.com
CPF # 9312140047
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 30, 2025, a copy of the foregoing Proposed Jury Instructions was sent electronically via MDEC to the email address on file for Counsel for the Plaintiff.

/s/ W. Bradley Bauhof
W. Bradley Bauhof, Esquire

Clerk: JH

In the Circuit Court for Carroll County

Date: 8/5/25 Case Number: C-06-CV-24-000259

Case Caption: Blake Hadel vs. Kyleigh Midkiff

Presiding Judge: Oesterreicher Hearing type: Jury Trial- Day 1

Plaintiff/Petitioner: Blake Hadel

X Present ___ Produced ___ Without Counsel X With Attorney Spitalnick

___Not Present ___ Attorney _____obo Plaintiff

PLT's Phone Number: _____

Defendant/Respondent: Kyleigh Midkiff

X Present ___ Produced ___ Without Counsel X With Attorney Bauhof/Hansen

___Not Present ___Not Produced ___ Attorney _____ obo Defendant

DEF's Phone Number: _____

Jury Panel sworn-Voir Dire Administered- Jury picked and sworn.

Plt Motion in Limine to Exclude Exhibits from Magistrate's Report & to Exlude Police Report- court denied.

court grants Attorney Bauhof's rule on witnesses.

Plt 1.) Brenda Hopka-Hadel (sworn & TT)

Plt 2.) Blake Hadel (sworn & TT)

case continued to 8/6/25 9AM.

BLAKE HADEL	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case No. C-06-CV-24-259

* * * * * * * * * * * * *

VOIR DIRE

Good morning. I am Judge Maria Oesterreicher. We are here to choose a fair and impartial jury from you to decide the case of **Blake Hadel v. Kyleigh Midkiff**.

The purpose of this questioning, which we call *voir dire* is to determine if your qualification to sit as a juror in this case would in any way be influenced by opinions that you now hold or by some personal experience or special knowledge that you may have concerning the subject matter to be tried. The object is to obtain 6 persons who will impartially try the issues of this case upon the evidence presented in this Courtroom without being influenced by any other factors. So, Ladies and Gentlemen, we want you to tell us of any biases that you may hold that would prevent you from rendering a fair and impartial verdict on the evidence. It would be wrong for any member of the jury panel to be seated as a juror, if that person could not put aside his or her prejudices and decide this case solely on the basis of the evidence presented and the law as I will later instruct you.

Please understand that this questioning is not for the purpose of prying into your affairs for personal reasons but is only for the purpose of obtaining an impartial jury.

Each side has a certain number of peremptory challenges, by which I mean each side can challenge you and ask that you be excused, usually without giving a reason for doing so. In addition, each side may challenge a potential juror for cause, by which I mean that each side can

filed 8/5/25

ask that you be excused for a specific reason. If you are excused for any reason, please do not feel offended or feel that your honesty or integrity is being questioned. It is not.

Before I begin with the *voir dire* questions, the Clerk will call the roll of jurors. When your number is called, please stand and, in a loud voice, repeat only your juror number.

[ROLL CALL]

The Clerk of the Court will now swear you in and I will begin the *voir dire* questions.

[SWEAR IN]

If your answer is "yes" to any of my questions, please stand and remain standing until the Court has addressed you. Do not give an opinion or any other information unless you are asked for it. At the conclusion of all the questions, the Court will call you up one at a time to receive your answers at the bench. If your answer is "no," you need do nothing.

This case is ***Blake Hadel v Kyleigh Midkiff.*** I will now summarize the allegations contained in the complaint: Plaintiff is suing the Defendant for defamation related to statements made about the Plaintiff, Blake Hadel on a public social media page.

1. Does any member of the jury panel know anything about this case through your own personal knowledge or by discussion with anyone else, or have any of you read or heard anything about this case in any of the news media or social media?

2. This next question has seven parts. Please stand if you:

   a. Are not yet 18,

   b. Are not now a resident of Carroll County, Maryland,

   c. Are not a citizen of the United States,

   d. Have ever received a sentence of more than one year for any crime,

   e. Have a charge pending for a crime punishable by incarceration for one year or more,

f. Have a disability preventing you from serving on a jury, for which you brought written documentation from a health care provider, or

g. Do not speak, read, write, or understand the English language well enough to serve as a juror?

3. My name is Maria Oesterreicher, and I will be the presiding Judge in this case. Is any member of the jury panel related by blood or marriage to me, or know me from any professional, business, or social relationship?

4. The Plaintiff in this case is Blake Hadel and the Defendant is Kyleigh Midkiff. Is any member of the jury panel related by blood or marriage to either of the parties in this case or any member of their family, or know them from any professional, business or social relationship?

5. Counsel for the Plaintiff is Sarah Spitalnick and counsel for the defendant are Bradley Bauhof and Hannah Hansen. Is any member of the jury panel related by blood or marriage to either of these attorneys, or know them from any professional, business, or social relationship?

6. Is any member of the jury panel, or a member of your immediate family, trained or employed in the legal field?

7. Does any member of the jury panel know any other member of the jury panel?

8. Has any member of the jury panel served on a jury in the past 3 years?

9. Has any member of the jury panel ever been a party to a civil lawsuit?

10. Has any member of the jury panel ever been a witness in a civil court case?

11. The following is a list of individuals who may be mentioned or called as witnesses to testify in this case. I will read their names and ask that if any member of the jury panel knows any of the individuals in any capacity that you respond by standing:

Brenda Hopka-Hadel

Michael Lusk

Blake Hadel

Kyleigh Midkiff

Meghan Maggio

Sherrie Miller

12. Has any member of the jury panel, or a member of your immediate family, ever been a small business owner?

13. Does any member of the jury panel believe that you or any members of your immediate family have been mistreated by the judicial process?

14. Has any member of the jury panel, or any member of your immediate family or close friends, ever been a victim of sexual assault, sexual abuse, or any similar crime?

15. Has any member of the jury panel, or any member of your immediate family or close friends, ever been accused of sexual assault, sexual abuse, or any similar crime?

16. Does any member of the jury panel have any strong opinions or biases regarding the #MeToo movement, victims of sexual misconduct speaking out publicly (including online), or related issues that might affect your ability to be impartial in a case involving allegations of misconduct?

17. There may be testimony and evidence from witnesses in this case that discusses mistreatment or misconduct toward women by men. Would you give more or less weight to those witnesses than to other witnesses in this case?

18. Does any member of the jury panel participate in or read any Facebook groups or pages related to dating, infidelity in relationships, sexual assault support, or similar topics?

19. Has any member of the jury panel seen or participated in any discussions on social

media (including Facebook) about this case, or the parties involved?

20. Has any member of the jury panel ever posted, commented, or interacted with the Facebook page "Are We Dating The Same Guy?"

21. Is any member of the jury panel a member of any "Are We Dating The Same Guy?" Facebook groups?

22. Does any member of the jury panel have any strong opinions about traditional gender roles, masculinity, or how men and women should interact in professional or personal settings that might affect your impartiality?

23. Has any member of the jury panel, or any member of your immediate family been involved in a contested child custody, child support, or divorce dispute?

24. This trial is estimated to last no more than 2 day(s). Is there any member of the jury panel who, if chosen to sit on the jury, could not serve for the entire length of the trial because of substantial responsibilities, some serious prior commitment, or other hardship?

25. Does any member of the jury panel have a disability, including hearing or visual disability or deficiency that would make it difficult for you to listen to and evaluate the evidence presented in this case?

26. Is there anything not yet mentioned that could affect your ability to make a fair and impartial judgement in this case? In other words, is there anything you haven't yet told us that could affect your ability to base your judgment solely on the evidence presented in the courtroom, or to follow the law as the court will instruct you?

27. Does any member of the jury panel believe or are you a member of a faith that believes that they do not have the right or authority to sit in judgment of another individual?

In the Circuit Court for Carroll County

Date: 8/5/25- Day 1

Case Number: C-06-CV-24-000259

Plaintiff/Petitioner Blake Hadel (Attorney Spitalnick)

Defendant/Respondent Kyleigh Midkiff (Attorney Bauhof/Hansen)

Exhibit #	Description	ID	X	Exhibit #	Description	ID	X
1	Facebook Post/Comments	X	X	1	Magistrate's Report & Recommend-ations w/ Exhibits	X	X
2	Consent Order- C-03-FM-22-005009	X	X				
3	Facebook Post/Comments	X	X				
4	Consent Order- C-03-FM-21-005169	X	X				
5	Order- C-03-FM-22-005009	X	X				
6	CSA Case Summary	X	X				
7	Stipulation Agreement- C-03-FM-21-005169	X	X				
8	Stipulation Agreement- C-03-FM-22-005009	X	X				
9	Facebook Comment	X	X				

Pick Up Date:

Signature_____

Pick Up Date:

Signature_____

Clerk: JH

In the Circuit Court for Carroll County

Date: 8/6/25 Case Number: C-06-CV-24-000259

Case Caption: Blake Hadel vs. Kyleigh Midkiff

Presiding Judge: Oesterreicher Hearing type: Jury Trial- Day 2

Plaintiff/Petitioner: Blake Hadel

X Present ___ Produced ___ Without Counsel X With Attorney Spitalnick

___Not Present ___ Attorney _____obo Plaintiff

PLT's Phone Number: _____

Defendant/Respondent: Kyleigh Midkiff

X Present ___ Produced ___ Without Counsel X With Attorney Bauhof/Hansen

___Not Present ___Not Produced ___ Attorney _____ obo Defendant

DEF's Phone Number: _____

Plt 2.) Blake Hadel (sworn & TT)**continued testimony

Plt 3.) Kyleigh Midkiff (sworn & TT)

Defendant's Motion for Directed Verdict- court granted as to all counts.

Defendant's Motion for Attorney Fees- court granted.

court to issue Order as to Attorney Fees.

In the Circuit Court for Carroll County

Date: 8/5/25- Day 1

Case Number: C-06-CV-24-000259

Plaintiff/Petitioner Blake Hadel (Attorney Spitalnick)

Defendant/Respondent Kyleigh Midkiff (Attorney Bauhof/Hansen)

Exhibit #	Description	ID	X	Exhibit #	Description	ID	X
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3	Facebook Post/Comments	X	X				
4	Consent Order- C-03-FM-21-005169	X	X				
5	Order- C-03-FM-22-005009	X	X				
6	CSA Case Summary	X	X				
7	Stipulation Agreement- C-03-FM-21-005169	X	X				
8	Stipulation Agreement- C-03-FM-22-005009	X	X				
9	Facebook Comment	X	X				
	8/6/25- Day 2						
10	Text Message	X		2	Calculation of Child Support	X	X
				3	Attorney Invoice	X	X
				4	Affidavit	X	X

Pick Up Date:

Signature_____

Pick Up Date:

Signature_____

BLAKE HADEL Plaintiff, v. **KYLEIGH MIDKIFF** Defendant.	IN THE CIRCUIT COURT FOR CARROLL COUNTY **Case No. C-06-CV-24-259**

ORDER

This matter came before the Court for a jury trial on August 5th and 6th 2025. At the conclusion of Plaintiff's case, the Court entered a directed verdict in favor of the Defendant on all counts. Thereafter the Defendant moved for attorney's fees under Md. Rule 1-341.

Upon consideration of the evidence produced at trial, and arguments of counsel,

IT IS, for the reasons stated on the record, this 6th day of August 2025, by the Circuit Court of Carroll County, hereby

ORDERED, that the Defendant's Motion is **GRANTED**; and it is further

ORDERED, that Defendant, Kyleigh Midkiff, is awarded attorney's fees in the amount of Twelve Thousand Six Hundred Thirty and 00/100 Dollars ($12,630.00), said amount to be reduced to judgment against the Plaintiff; and it is further

ORDERED, that the Clerk shall enter judgment in favor of Kyleigh Midkiff and against Blake Hadel in the amount of Twelve Thousand Six Hundred Thirty and 00/100 Dollars ($12,630.00), plus post-judgment interest at the legal rate.

08/06/2025 4:30:44 PM
DATE

JUDGE MARIA L. OESTERREICHER
Circuit Court for Carroll County

Entered: Clerk, Circuit Court for
Carroll County, MD
August 7, 2025

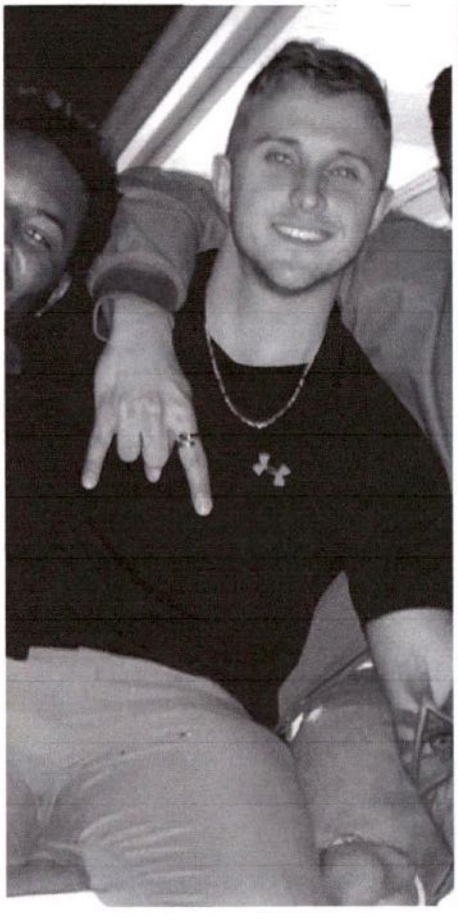
12:19 Uber 12:26

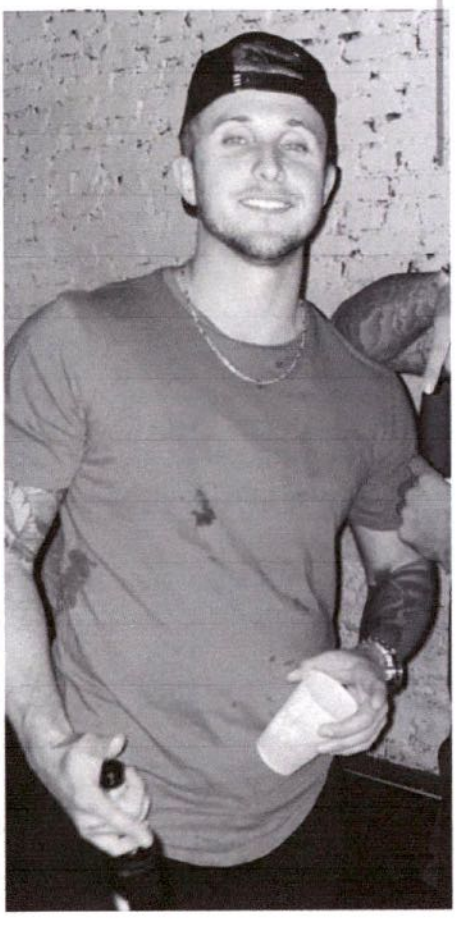
Anonymous member's post

Anonymous member · Jul 25, 2023

·

🔪 or 🍵 on Blake?





Like Comment Send

24

All comments

Danielle McLain
Literally search his name. You'll find all you need to know

Write a commen...

Pltf. Exhibit 6

8/5/25
Plt. #1
C-06-CV-24-000259

RUN!

47w Like Reply 4

Emily Lewis
he royally destroyed one of my best friends lives. RUN!!!!!! i cannot comment further details bc of continuing court issues.

47w Like Reply 11

Kyleigh Midkiff
His ass owes thousands of dollars in child support. The next picture that gets posted of him will be a mugshot.

47w Like Reply 2

Zoe Alexis
Laura Dilworth this guy

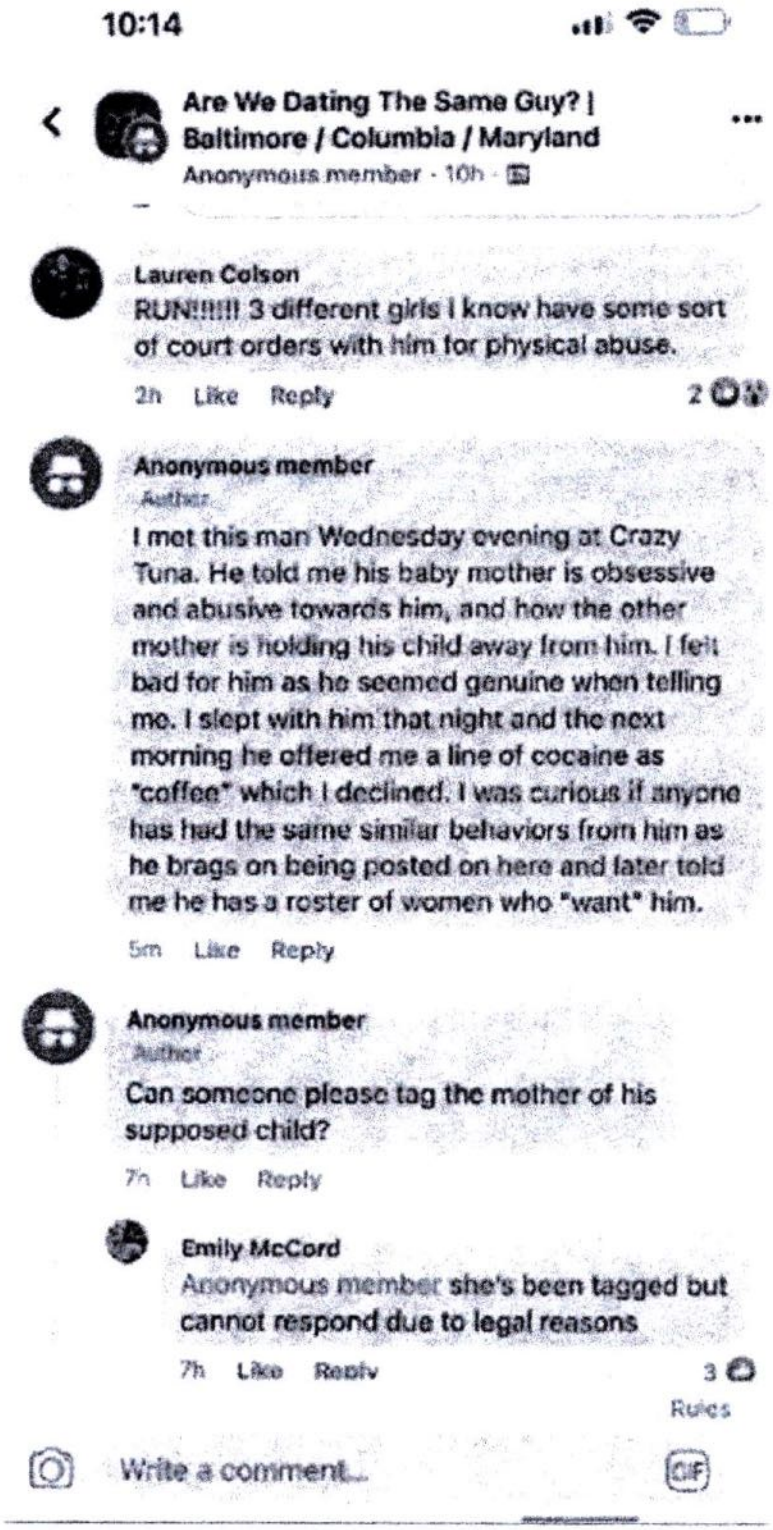
47w Like Reply

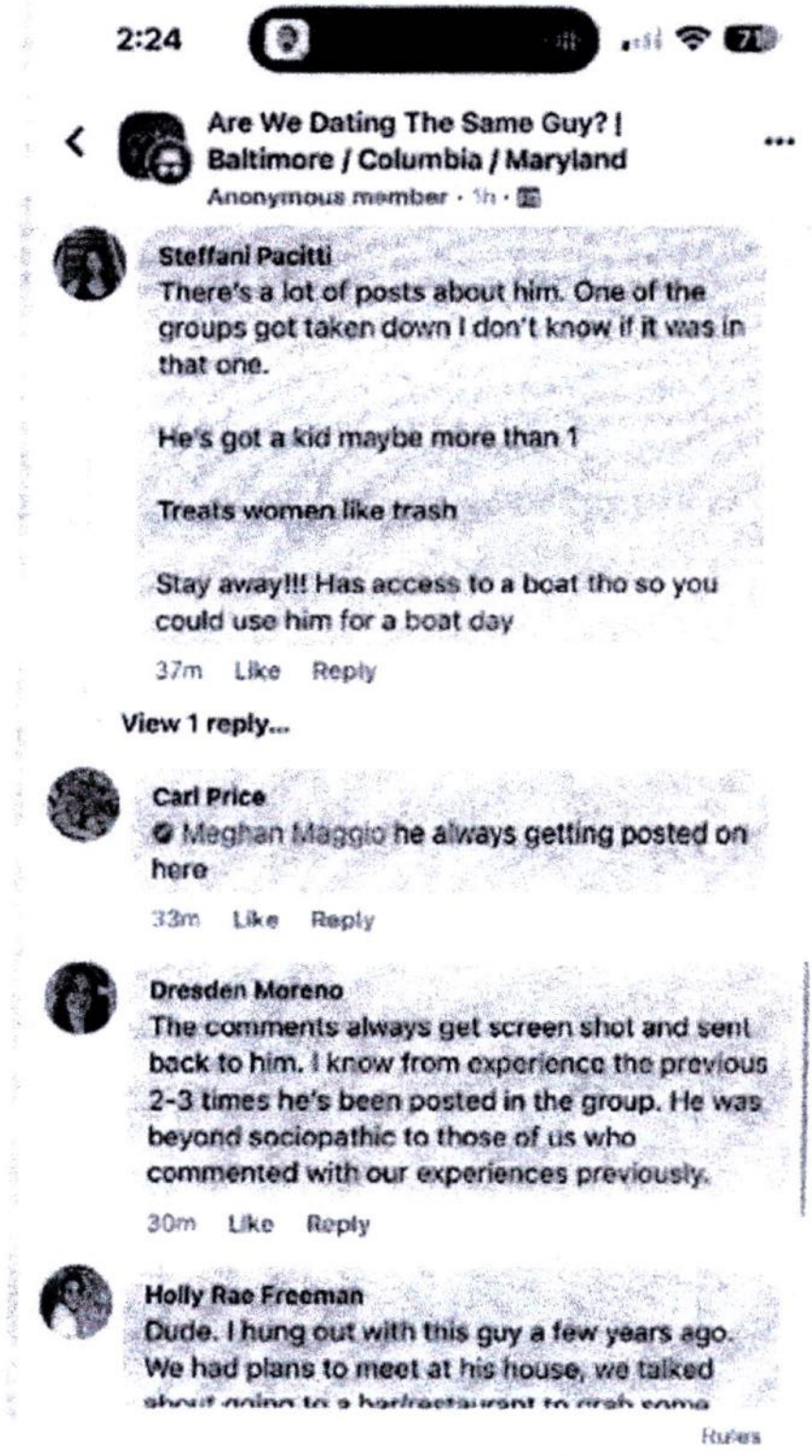
Laura Dilworth
Zoe Alexis big NOPE

47w Like Reply

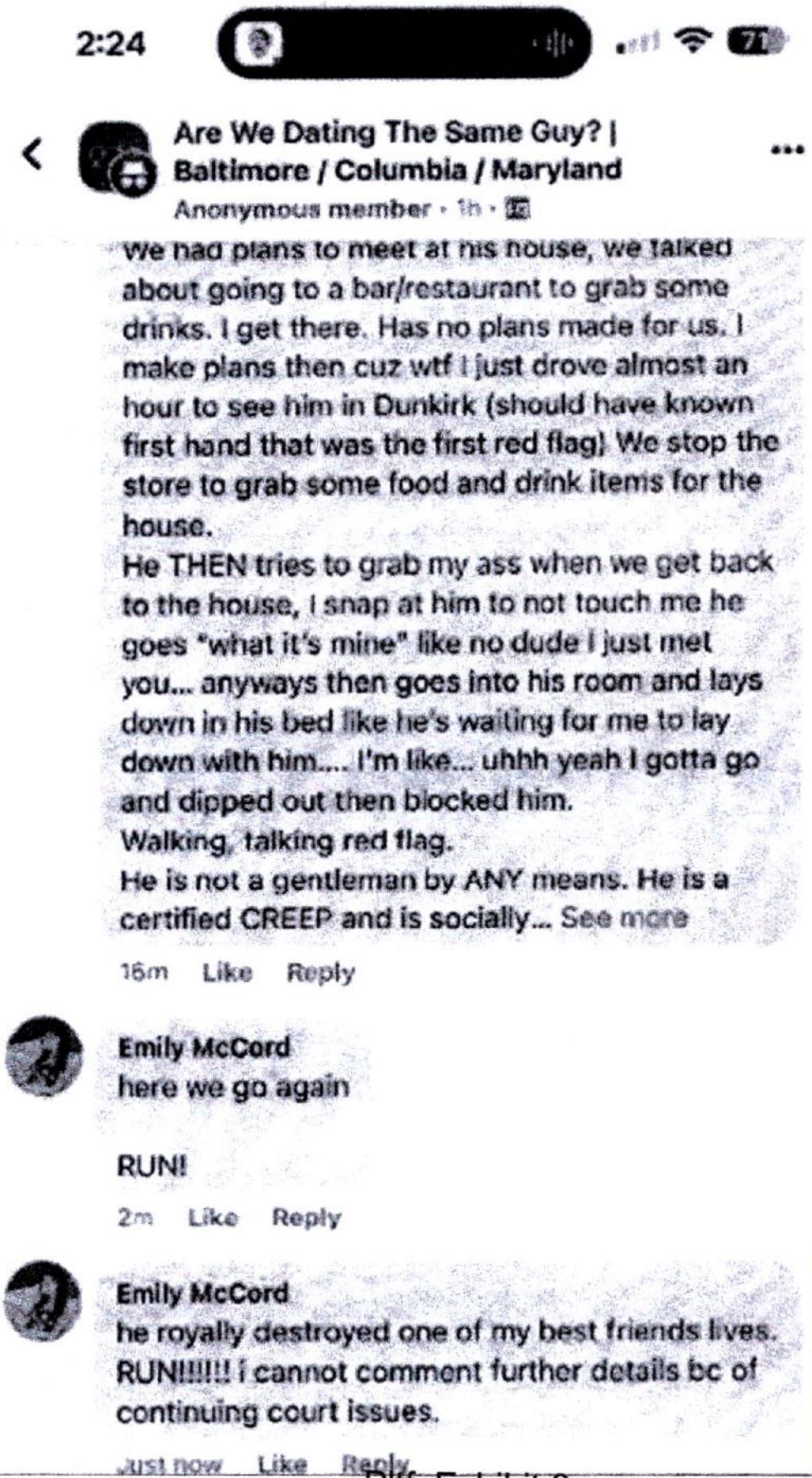
Write a reply...

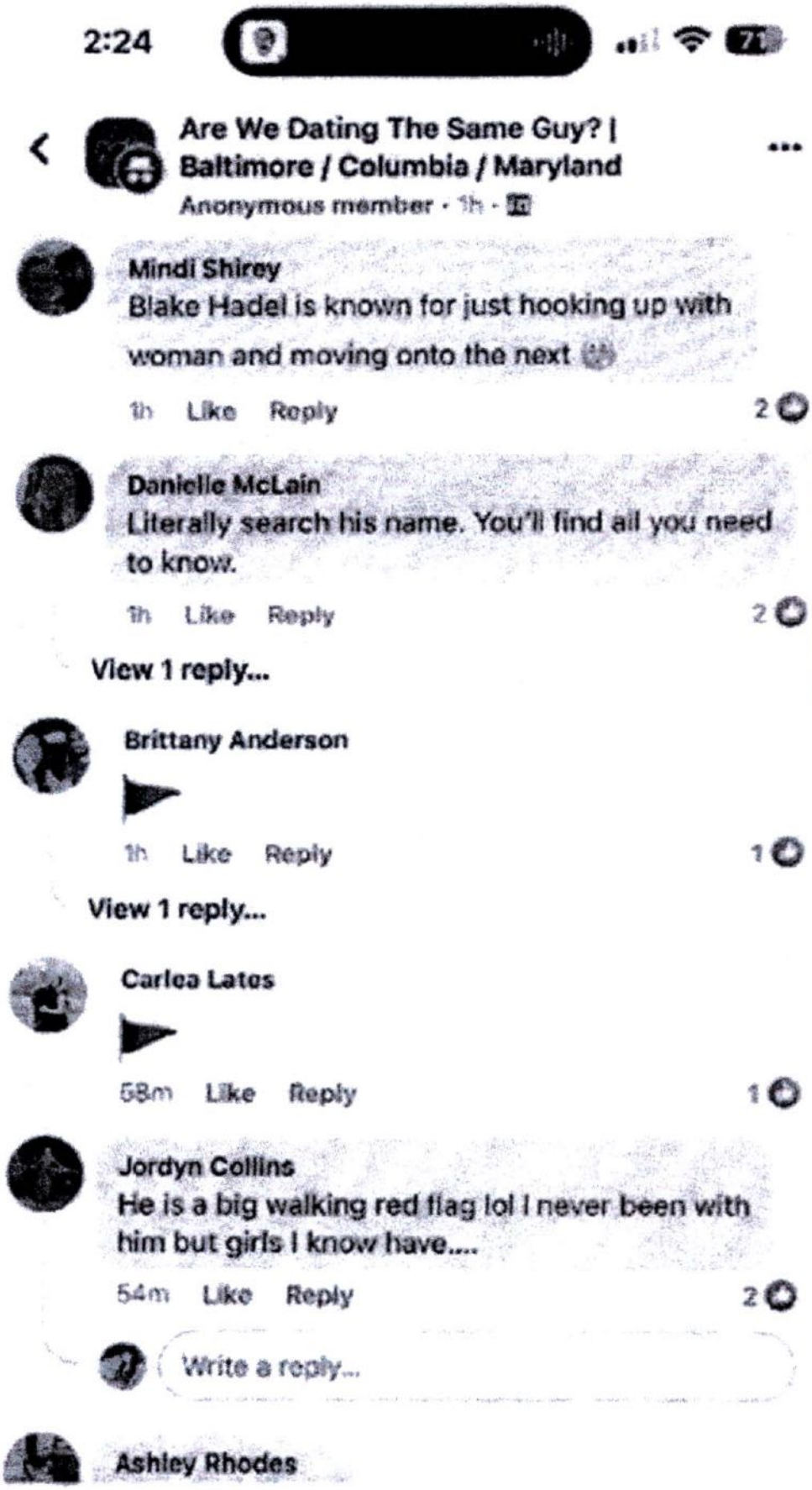
Exhibit 6


10:14
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 10h
Lauren Colson
RUN!!!!!! 3 different girls I know have some sort of court orders with him for physical abuse.
2h Like Reply 2
Anonymous member
Author
I met this man Wednesday evening at Crazy Tuna. He told me his baby mother is obsessive and abusive towards him, and how the other mother is holding his child away from him. I felt bad for him as he seemed genuine when telling me. I slept with him that night and the next morning he offered me a line of cocaine as "coffee" which I declined. I was curious if anyone has had the same similar behaviors from him as he brags on being posted on here and later told me he has a roster of women who "want" him.
5m Like Reply
Anonymous member
Author
Can someone please tag the mother of his supposed child?
7h Like Reply
Emily McCord
Anonymous member she's been tagged but cannot respond due to legal reasons
7h Like Reply 3
Rules
Write a comment...
GIF

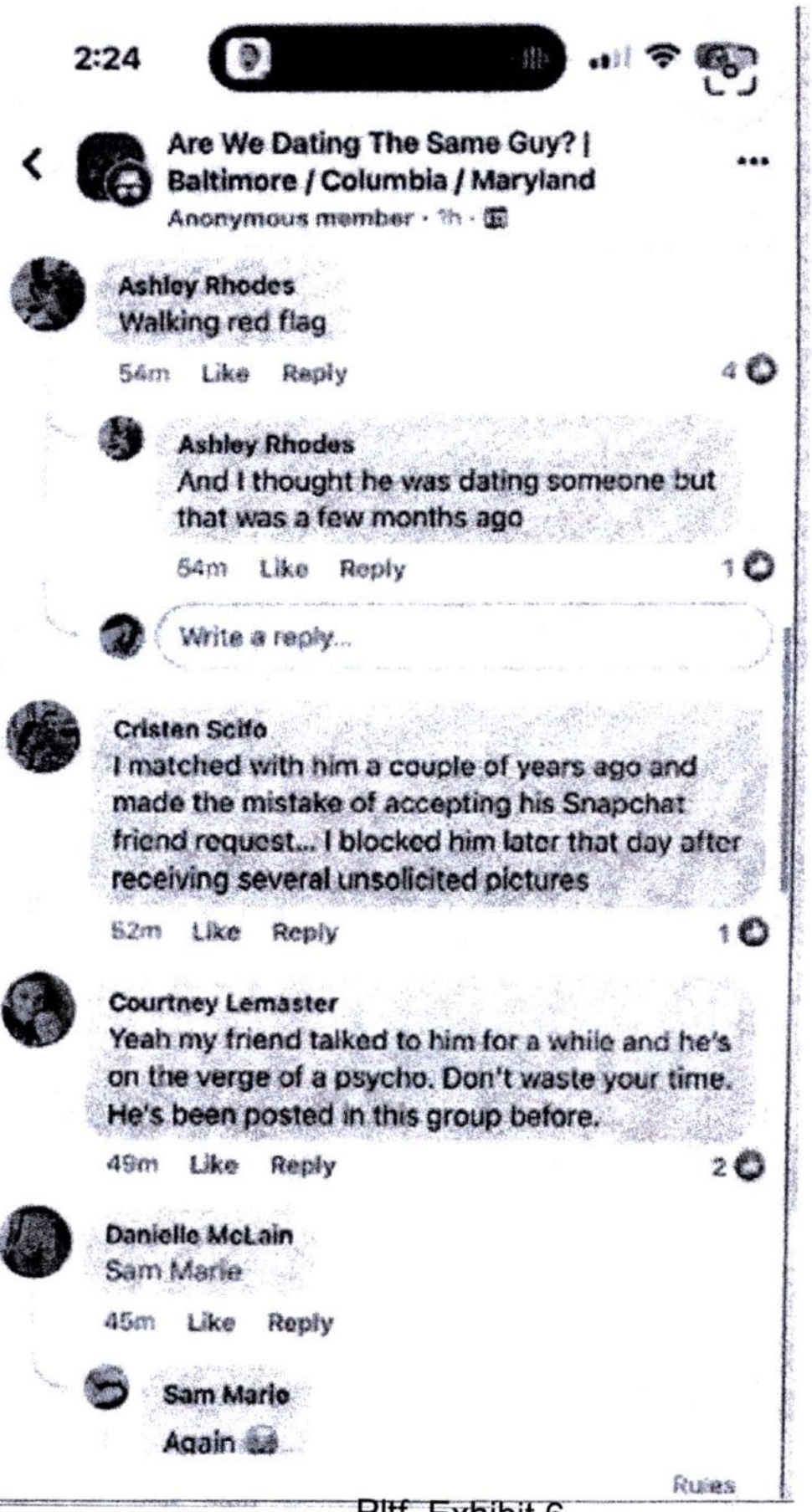

2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
Steffani Pacitti
There's a lot of posts about him. One of the groups got taken down I don't know if it was in that one.
He's got a kid maybe more than 1
Treats women like trash
Stay away!!! Has access to a boat tho so you could use him for a boat day
37m Like Reply
View 1 reply...
Carl Price
Meghan Maggio he always getting posted on here
33m Like Reply
Dresden Moreno
The comments always get screen shot and sent back to him. I know from experience the previous 2-3 times he's been posted in the group. He was beyond sociopathic to those of us who commented with our experiences previously.
30m Like Reply
Holly Rae Freeman
Dude. I hung out with this guy a few years ago. We had plans to meet at his house, we talked
Rules

Pltf. Exhibit 6


2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
We had plans to meet at his house, we talked about going to a bar/restaurant to grab some drinks. I get there. Has no plans made for us. I make plans then cuz wtf I just drove almost an hour to see him in Dunkirk (should have known first hand that was the first red flag) We stop the store to grab some food and drink items for the house.
He THEN tries to grab my ass when we get back to the house, I snap at him to not touch me he goes "what it's mine" like no dude I just met you... anyways then goes into his room and lays down in his bed like he's waiting for me to lay down with him.... I'm like... uhhh yeah I gotta go and dipped out then blocked him.
Walking, talking red flag.
He is not a gentleman by ANY means. He is a certified CREEP and is socially... See more
16m Like Reply
Emily McCord
here we go again
RUN!
2m Like Reply
Emily McCord
he royally destroyed one of my best friends lives. RUN!!!!!! I cannot comment further details bc of continuing court issues.
Just now Like Reply


2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
Mindi Shirey
Blake Hadel is known for just hooking up with woman and moving onto the next
1h Like Reply 2
Danielle McLain
Literally search his name. You'll find all you need to know.
1h Like Reply 2
View 1 reply...
Brittany Anderson
1h Like Reply 1
View 1 reply...
Carlea Lates
58m Like Reply 1
Jordyn Collins
He is a big walking red flag lol I never been with him but girls I know have....
54m Like Reply 2
Write a reply...
Ashley Rhodes

Pltf. Exhibit 6


2:24
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Anonymous member · 1h ·
Ashley Rhodes
Walking red flag
54m Like Reply 4
Ashley Rhodes
And I thought he was dating someone but that was a few months ago
54m Like Reply 1
Write a reply...
Cristen Scifo
I matched with him a couple of years ago and made the mistake of accepting his Snapchat friend request... I blocked him later that day after receiving several unsolicited pictures
52m Like Reply 1
Courtney Lemaster
Yeah my friend talked to him for a while and he's on the verge of a psycho. Don't waste your time. He's been posted in this group before.
49m Like Reply 2
Danielle McLain
Sam Marie
45m Like Reply
Sam Marie
Again
Rules

Pltf. Exhibit 6

4:15 5G 51

Are We Dating The Same Guy? | Baltimore / Columbia / Maryland

Anonymous member · Jun 16 ·

Brandi Bowling Reick
Kyleigh Midkiff sorry!! It's always the cute ones.

17w Like

Amanda Lynn
Never dated but he installed a privacy fence for me a few years ago and it's not level... not super pleased about that ... try a date but don't hire him for house work

17w Like 39

Brandie Sullivan
Amanda Lynn this is great

17w Like

Kyleigh Midkiff
Amanda Lynn he's a disgusting excuse for a human being. He signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away.

17w Like 2

Christine Dorsey
He's been posted before and there's been MANY concerning comments about him

17w Like 6

Christine Dorsey
If you search the group the post comes up!

17w Like 1

Marissa Armstrong
Blake is real! He does have a bad

4:13 5G 51

Are We Dating The Same Guy? | Baltimore / Columbia / Maryland

Anonymous member · Jun 16 ·

17w Like

Marissa Armstrong
Blake is real! He does have a bad reputation but I swear he's a good guy I think he just needs the right girl by his side.

17w Like 5

Kyleigh Midkiff
Marissa Armstrong he's also been posted here several times because he has SA'd multiple women.

17w Like 2

Marissa Armstrong
Kyleigh Midkiff I don't know him as anything more than a friend, never have I ever had any kind of relationship with him, we have an age gap both literally and mentally haha. As a friend though; he's a good guy. I'm well aware a lot of girls dislike him but I've never had to experience the bad that so many others have.

17w Like 1

Shana Marie
My friend dated him. Feel free to message me. I don't comment on these posts details anymore (good or bad) cause there is always a leak

17w Like 1

[redacted] · Author

4:13 5G 51

Are We Dating The Same Guy? | Baltimore / Columbia / Maryland

Anonymous member · Jun 16 ·

Like

All comments

Brandi Bowling Reick
So I really hope this is not the case but this looks photoshopped. He looks so 3d. It's a shame too cause he is a hottie.

17w Like

The comment Brandi is replying to has been deleted.

Brandi Bowling Reick
Nicole Fabrizio oh ok. Well he is really cute and I wish you the best

17w Like

Kyleigh Midkiff
Brandi Bowling Reick I wish he was fake

17w Like 2

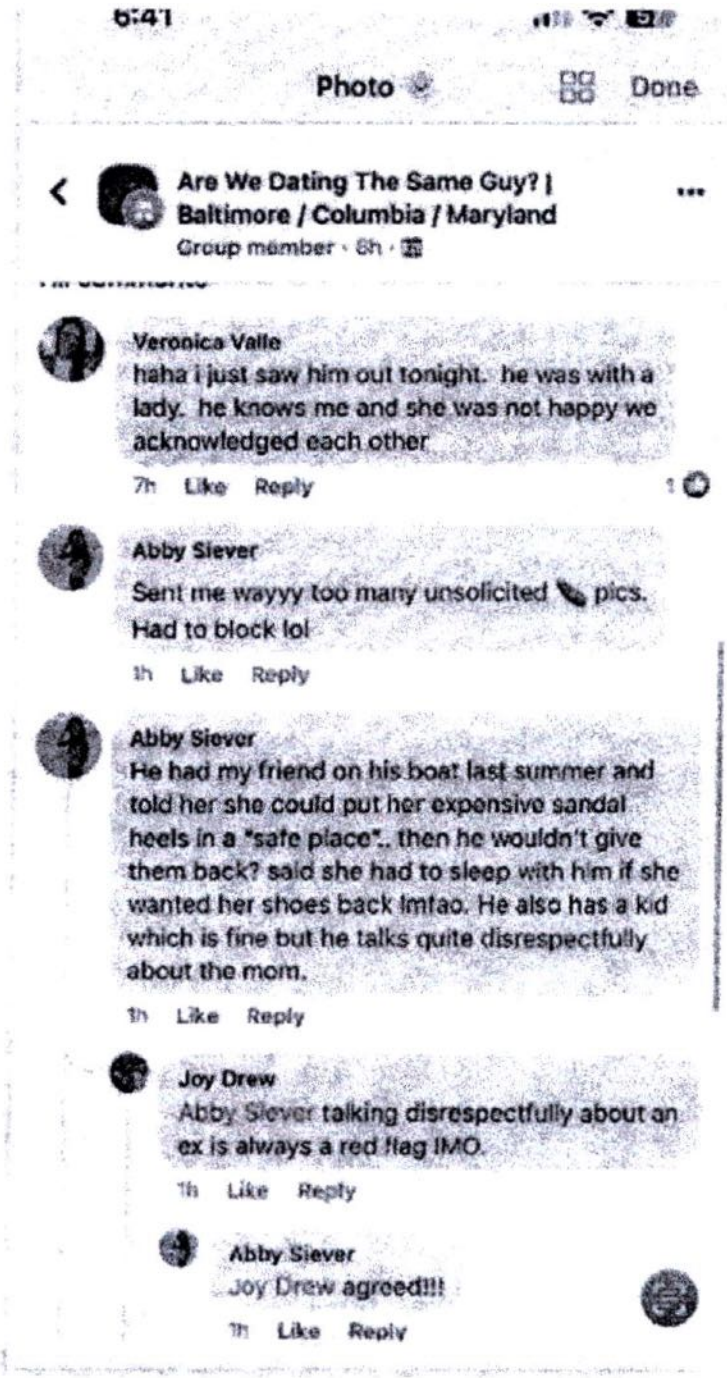
Brandi Bowling Reick
Kyleigh Midkiff sorry!! It's always the cute ones.

17w Like

Amanda Lynn
Never dated but he installed a privacy fence for me a few years ago and it's not level... not super pleased about that ... try a date but don't hire him for house work

17w Like 39

Exhibit 2


6:41
Photo
Done
Are We Dating The Same Guy? | Baltimore / Columbia / Maryland
Group member · 8h ·
Veronica Valle
haha i just saw him out tonight. he was with a lady. he knows me and she was not happy we acknowledged each other
7h Like Reply 1
Abby Siever
Sent me wayyy too many unsolicited pics. Had to block lol
1h Like Reply
Abby Siever
He had my friend on his boat last summer and told her she could put her expensive sandal heels in a "safe place".. then he wouldn't give them back? said she had to sleep with him if she wanted her shoes back lmfao. He also has a kid which is fine but he talks quite disrespectfully about the mom.
1h Like Reply
Joy Drew
Abby Siever talking disrespectfully about an ex is always a red flag IMO.
1h Like Reply
Abby Siever
Joy Drew agreed!!!
1h Like Reply

E-FILED; Baltimore County Circuit Court
Docket: 8/22/2022 4:04 PM; Submission: 8/22/2022 4:04 PM

BLAKE LUCAS HADEL	*	IN THE
Plaintiff	*	CIRCUIT COURT
VS.	*	FOR
LYNNSEY FULLANO	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-21-005169

****

CONSENT ORDER

The above captioned matter is before the court on issues relating to custody, visitation and child support and scheduled for a hearing on September 8, 2022. The parties for themselves and through counsel have reached an out of court agreement and they are desirous of assisting this court in the passage of an appropriate Order and they do hereby consent to the passage of an appropriate Order, and it is therefore

ORDERED, that the care and custody of the minor child namely Tate Hadel born January 18, 2020, is hereby awarded unto the Defendant and mother, Lynnsey Fullano subject to the access and visitation scheduled set forth herein; and it is further

ORDERED, that the plaintiff Blake Lucas Hadel shall have access to the minor child for a minimum of one day per week as agreed upon by the parties with at least forty-eight (48) hours notice being given in advance; and it is further

ORDERED, that the Defendant and mother Lynnsey Fullano shall be present throughout the visitation until such time that the parties are comfortable with unsupervised visitation; and it is further

8/ 5 /25 ☒
Plt. #4
C-06-CV-24-000259

Pltf. Exhibit 1

ORDERED, that the visitation shall be for a period of two (2) hours and to ultimately be extended by the parties by agreement; and it is further

ORDERED, that the parties should immediately enter into meaningful discussion to create a holiday and special occasion visitation schedule which both believe is in the best interest of the minor child; and it is further

ORDERED, that the Plaintiff shall continue to pay unto the Defendant as child support the sum of $350 per month as previously ordered by this Honorable Court with the same being payable through the division of child support, with all of the above being subject to the further orders of this court in its continuing jurisdiction.

IT IS SO ORDERED

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 24, 2022

Stacy A. Mayer
Stacy Mayer

08/24/2022

Judge, Circuit Court for Baltimore County

The be foregoing order is consented to by the parties:

Plaintiff signed identical order, also submitted.

Blake Lucas Hadel
Plaintiff

Lynnsey Fullano
Defendant

Myles F. Friedman
Albers & Associates, LLC
1001 North Point Blvd, Suite 506
Baltimore, Maryland 21224-3413
mff.esq@verizon.net
Phone: 410-284-6060; Fax: 410-284-0111
AIS #: 6310010025
Attorney for Plaintiff

Pltf. Exhibit 1

E-FILED; Baltimore County Circuit Cour
Docket: 5/9/2024 1:48 PM; Submission: 5/9/2024 1:48 PM
Envelope: 1638597

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
BLAKE HADEL	*	CASE NO.: C-03-FM-22-005009
Defendant	*	

* * * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Defendant, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Plaintiff, Meghan Maggio, by and through her attorney, W. Bradley Bauholf, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Sofia Lynn Hadel, born March 11, 2021.

2. That prior hereto the Defendant filed his Petition to Modify Child Custody, and thereafter the Plaintiff retained counsel and filed responsive pleadings.

3. That the Plaintiff, through her attorney, entered into negotiations and discussions with Defendant's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Defendant has elected to terminate his parental rights with the minor child. Both Parties believe that the same is in the best interest of the child.

5. That Defendant covenants and agrees that he will execute the appropriate Consent to Adoption when/if he is called upon to do so.

6. That Defendant covenants and agrees that he will execute the appropriate Consent to Name Change for the minor child when/if called upon to do so.

7. That Defendant is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the

8/5/25 ☒
Plt. #2
C-06-CV-24-000259

Pltf. Exhibit 3
Scanned with Ca

minor child.

8. That Plaintiff understands and agrees that in consideration of Defendant terminating his parental rights, his responsibilities to pay child support are hereby terminated.

9. That Plaintiff has stipulated that she will not deny access and/or visitation to the Defendant's mother, Brenda Hopka-Hadel, the minor child's biological paternal grandmother.

10. That Defendant will continue to carry the minor child on his health insurance until January 2025 when the Plaintiff can transfer the minor child to her health insurance.

11. Both parties have agreed that in the entry of this Order, that Defendant will dismiss his Civil suit, No. C-13-CV-24-000309, against Plaintiff.

12. Under the circumstances set forth above, the Defendant hereby requests that his Petition be docketed as voluntarily be dismissed.

13. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

_____
Date

_____
JUDGE
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

_____
Blake Hadel

_____
Sarah Spitalnick, Esquire
CPF: 2311290l
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
484-332-0454
sarahspitalnickesq@gmail.com
Attorney for Defendant

Pltf. Exhibit 3
Scanned with CamScanner

Meghan Maggio

Meghan Maggio

W. Bradley Bauhof, Esquire
CFP: 9312140047
158 N. Court Street
Westminster, MD 21157
410-876-4500
Brad@bauhoflegal.com
Attorney for Plaintiff

Pltf. Exhibit 3

Scanned with CamScanner

8:58 [redacted] 100

Are We Dating The S...

Anonymous member

4d ·

Blake. ☕ or ➤?

22 comments

Like Send

Home Video Friends Marketplace Notifications Men

Pltf. Exhibit 7

8/5/25

Plt #3

C-06-CV-24-000259

Never dated but he installed a privacy fence for me a few years ago and it's not level... not super pleased about that ... try a date but don't hire him for house work

5d Like 38

Brandie Sullivan
Amanda Lynn this is great

5d Like

Kyleigh Midkiff
Amanda Lynn he's a disgusting excuse for a human being. He signed off his rights to both of his kids (2 different moms) because he can't afford child support, stay far away.

4d Like 2

Christine Dorsey
He's been posted before and there's been MANY concerning comments about him

5d Like 6

Christine Dorsey
If you search the group the post comes up!

5d Like 1

2w Like

The comment Brandi is replying to has been deleted.

Brandi Bowling Reick
Nicole Fabrizio oh ok. Well he is really cute and I wish you the best

2w Like

Kyleigh Midkiff
Brandi Bowling Reick I wish he was fake

2w Like 1

Brandi Bowling Reick
Kyleigh Midkiff sorry!! It's always the cute ones.

2w Like

Amanda Lynn
Never dated but he installed a privacy fence for me a few years ago and it's not level... not super pleased about that ... try a date but don't hire him for house work

2w Like 39

Brandie Sullivan
Amanda Lynn this is great

2w Like

2w Like 1

Anonymous member
Author
Anonymous member thank you

2w Like

Christine Dorsey
He's been posted before and there's been MANY concerning comments about him

2w Like 6

Marissa Armstrong
Blake is real! He does have a bad reputation but I swear he's a good guy I think he just needs the right girl by his side.

2w Like 5

Kyleigh Midkiff
Marissa Armstrong he's also been posted here several times because he has SA'd multiple women.

2w Like 2

Marissa Armstrong
Kyleigh Midkiff I don't know him as anything more than a friend, never

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

Pltf. Exhibit 4

8/5/25
Plt. #5
C-06-CV-24-000259

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

Pltf. Exhibit 4

CSMS Customer Payment Summary

Report Start Date:

Report End Date:

Case No: 991012846

Case Summary

Case Number: 991012846	**CP Name:** Meghan E Maggio	**NCP Name:** Blake Lucas Hadel	**Court Order Number:** C03FM22005009
Case Status: Active			**Total Current SOA:** $0.00
Case Type: IV-D			**Arrears SOA:** $0.00
Case Subtype: Never Assistance			**Next Due Date:**
Assistance Status: Not Applicable			**Total Balance:** $0.00
Intergovernmental Status: Maryland			
Obligation Type : Child Support Only			

Payment Details

Collection Date	Receipt Number	Receipt Amount	Court-Order Number	Amount Posted	Date Distributed	Escrow Type	Disbursed Amount	Check Number	Check Date
04/16/2024	268498285	$1,280.00	C03FM220 05009	$920.20	04/17/2024	N	$920.20	41234350	04/18/2024
02/23/2024	268172336	$1,200.00	C03FM220 05009	$835.04	02/26/2024	N	$835.04	41173771	02/27/2024
02/06/2024	268067421	$1,340.00	C03FM220 05009	$971.80	02/07/2024	N	$956.80	41144301	02/08/2024
01/18/2024	267946214	$1,150.00	C03FM220 05009	$817.36	01/19/2024	N	$817.36	41130609	01/20/2024
11/24/2023	267630465	$240.00	C03FM220 05009	$170.58	11/28/2023	N	$170.58	41109542	11/29/2023
11/24/2023	267630464	$860.00	C03FM220 05009	$611.24	11/28/2023	N	$611.24	41109542	11/29/2023
10/03/2023	267302338	$620.00	C03FM220 05009	$385.01	10/04/2023	N	$385.01	41088119	10/12/2023
10/03/2023	267302316	$3,240.00	C03FM220 05009	$2,179.59	10/04/2023	N	$2,179.59	41088119	10/12/2023
08/25/2023	267064740	$2,300.00	C03FM220 05009	$1,348.42	08/28/2023	N	$1,348.42	41068031	08/29/2023
08/16/2023	267003116	$1,400.00	C03FM220 05009	$820.78	08/17/2023	N	$820.78	41063467	08/18/2023
08/08/2023	266953073	$487.00	C03FM220 05009	$383.33	08/08/2023	N	$383.33	41059560	08/09/2023

Report Generation Date: 12/03/2024 15:23:26

User ID: robert isaac

Pltf. Exhibit 5

3/5/25
Plt. #6
C-06-CV-24-000259

CSMS Customer Payment Summary

Report Start Date:

Report End Date:

Case No: 991012846

08/08/2023	266953071	$487.00	C03FM220 05009	$346.13	08/08/2023	N	$346.13	41059560	08/09/2023
08/08/2023	266953058	$487.00	C03FM220 05009	$346.13	08/08/2023	N	$346.13	41059560	08/09/2023
07/12/2023	266792450	$1,000.00	C03FM220 05009	$710.74	07/13/2023	N	$710.74	41048734	07/14/2023
06/28/2023	266699080	$400.00	C03FM220 05009	$362.00	06/28/2023	N	$362.00	41042103	06/29/2023

Report Generation Date: 12/03/2024 15:23:26

User ID: robert isaac

CSMS Customer Payment Summary

Report Start Date:

Report End Date:

Case No: 370167719

Case Summary

Case Number: 370167719	**CP Name:** LYNNSEY NICOLE FULLANO	**NCP Name:** BLAKE LUCAS HADEL	**Court Order Number:** C03FM20004781
Case Status: Active			**Total Current SOA:** $0.00
Case Type: IV-D			**Arrears SOA:** $0.00
Case Subtype: Never Assistance			Next Due Date:
Assistance Status: Not Applicable			Total Balance: $0.00
Intergovernmental Status: Maryland			
Obligation Type : Child Support,Medical and Paternity			

Payment Details

Collection Date	Receipt Number	Receipt Amount	Court-Order Number	Amount Posted	Date Distributed	Escrow Type	Disbursed Amount	Check Number	Check Date
04/16/2024	268498285	$1,280.00	C03FM200 04781	$359.80	04/17/2024	N	$359.80	41234383	04/18/2024
02/23/2024	268172336	$1,200.00	C03FM200 04781	$364.96	02/26/2024	N	$364.96	41174947	02/27/2024
02/06/2024	268067421	$1,340.00	C03FM200 04781	$368.20	02/07/2024	N	$368.20	41144380	02/08/2024
01/18/2024	267946214	$1,150.00	C03FM200 04781	$332.64	01/19/2024	N	$332.64	340387769	01/20/2024
11/24/2023	267630465	$240.00	C03FM200 04781	$69.42	11/28/2023	N	$69.42	340242126	11/29/2023
11/24/2023	267630464	$860.00	C03FM200 04781	$248.76	11/28/2023	N	$248.76	340242126	11/29/2023
10/03/2023	267302338	$620.00	C03FM200 04781	$234.99	10/04/2023	N	$234.99	340095184	10/05/2023
10/03/2023	267302316	$3,240.00	C03FM200 04781	$1,060.41	10/04/2023	N	$1,060.41	340095184	10/05/2023
08/25/2023	267064740	$2,300.00	C03FM200 04781	$951.58	08/28/2023	N	$951.58	339933540	08/29/2023
08/16/2023	267003116	$1,400.00	C03FM200 04781	$579.22	08/17/2023	N	$579.22	339864198	08/18/2023

Report Generation Date: 12/03/2024 15:23:03

User ID: robert isaac

CSMS Customer Payment Summary

Report Start Date:

Report End Date:

Case No: 370167719

08/08/2023	266953073	$487.00	C03FM200 04781	$103.67	08/08/2023	N	$103.67	339941411	08/09/2023
08/08/2023	266953071	$487.00	C03FM200 04781	$140.87	08/08/2023	N	$140.87	339941411	08/09/2023
08/08/2023	266953058	$487.00	C03FM200 04781	$140.87	08/08/2023	N	$140.87	339941411	08/09/2023
07/12/2023	266792450	$1,000.00	C03FM200 04781	$289.26	07/13/2023	N	$289.26	339871625	07/14/2023
06/28/2023	266699080	$400.00	C03FM200 04781	$38.00	06/28/2023	N	$38.00	339830501	06/29/2023
5/19/2023	266472302	$312.00	C03FM200 04781	$312.00	06/05/2023	N	$312.00	339802862	06/17/2023
4/03/2023	266193748	$805.00	C03FM200 04781	$805.00	04/03/2023	N	$790.00	339602490	04/04/2023
0/11/2022	265151940	$1,020.00	C03FM200 04781	$1,020.00	10/12/2022	N	$1,020.00	339146826	10/13/2022
10/11/2022	265151938	$1,420.00	C03FM200 04781	$1,420.00	10/12/2022	N	$1,420.00	339146826	10/13/2022
05/13/2022	165734332	$658.00	C03FM200 04781	$658.00	05/13/2022	N	$658.00	309389646	06/13/2022
12/23/2021	164862060	$2,275.00	C03FM200 04781	$2,275.00	12/23/2021	N	$2,275.00	309154601	03/15/2022
12/03/2021	164738113	$997.00	C03FM200 04781	$997.00	12/03/2021	N	$997.00	309154601	03/15/2022

Report Generation Date: 12/03/2024 15:23:03

User ID: robert isaac

E-FILED; Baltimore County Circuit Court
Docket: 4/16/2024 8:48 AM; Submission: 4/16/2024 8:48 AM
Envelope: 16104963

BLAKE HADEL	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
LYNNSEY FULLANO	*	CASE NO.: C-03-FM-21-005169
Defendant	*	

* * * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Plaintiff, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Defendant, Lynnsey Fullano, by and through her attorney, Myles F. Friedman, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Tate Joseph Fullano, born January 18, 2020.

2. That prior hereto the Plaintiff filed his Petition to Modify Child Custody, and thereafter the Defendant retained counsel who has entered his appearance in this matter.

3. That prior to filing a responsive pleading the Defendant, through her attorney, entered into negotiations and discussions with Plaintiff's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Plaintiff has elected to terminate his parental rights with the minor child, believing that the same is in the best interest of the child.

5. That Plaintiff further covenants and agrees that if and when called upon in the future he will execute the appropriate Consent to Adoption.

6. That the minor child has another father figure that has already taken over all parental responsibilities and claims the minor child as his own.

7. The father figure has been active in the minor child's life since the bi

8/5/25 Pltf. #7 C-06-CV-24-000259

Pltf. Exhibit 2

minor child. He has no intentions of vacating the minor child's life and intends on being in the minor child's life as a father indefinitely.

8. That Plaintiff is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the minor child.

9. That both parties understand and agree that Plaintiff's responsibilities to pay child support is hereby terminated.

10. Under the circumstances set forth above, the Plaintiff hereby requests that his Petition be docketed as voluntarily be dismissed.

11. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

04/16/2024
Date

JUDGE Patricia DeMaio
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

Blake Hadel

Sarah Spitalnick, Esquire
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
Attorney for Plaintiff

Lynnsey Fullano

Myles F. Friedman, Esquire
AIS#: 6310010025
Friedman & Goldman, LLC
1515 Reisterstown Road, Suite 303
Pikesville, MD 21208
410-484-6060
mff.esq@verizon.net

Entered: Clerk, Circuit Court for
Baltimore County, MD
April 17, 2024

Pltf. Exhibit 2

E-FILED; Baltimore County Circuit Cour
Docket: 5/9/2024 1:48 PM; Submission: 5/9/2024 1:48 PM
Envelope: 1638597

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
	*	OF MARYLAND FOR
v.	*	BALTIMORE COUNTY
BLAKE HADEL	*	CASE NO.: C-03-FM-22-005009
Defendant	*	

* * * * * * * * * * * * * *

STIPULATION AGREEMENT/VOLUNTARY DISMISSAL/CONSENT ORDER

Now comes the Defendant, Blake Hadel, by and through his attorney Sarah Spitalnick, Esquire, and Plaintiff, Meghan Maggio, by and through her attorney, W. Bradley Bauholf, Esquire, and respectfully requests this Court to file their Agreement and voluntarily dismiss this matter based on their Consent and in support thereof states:

1. That the litigants herein are the biological parents of one minor child, namely, Sofia Lynn Hadel, born March 11, 2021.

2. That prior hereto the Defendant filed his Petition to Modify Child Custody, and thereafter the Plaintiff retained counsel and filed responsive pleadings.

3. That the Plaintiff, through her attorney, entered into negotiations and discussions with Defendant's counsel, which has resulted in an agreement between the Parties.

4. That after consulting with counsel and considering all the appropriate factors, the Defendant has elected to terminate his parental rights with the minor child. Both Parties believe that the same is in the best interest of the child.

5. That Defendant covenants and agrees that he will execute the appropriate Consent to Adoption when/if he is called upon to do so.

6. That Defendant covenants and agrees that he will execute the appropriate Consent to Name Change for the minor child when/if called upon to do so.

7. That Defendant is aware that the termination of parental rights terminates completely his right to custody, guardianship, access to, visitation with, and inheritance from the

Pltf. Exhibit 3
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8/5/25
PLT. #8
C-06-CV-24-000259

minor child.

8. That Plaintiff understands and agrees that in consideration of Defendant terminating his parental rights, his responsibilities to pay child support are hereby terminated.

9. That Plaintiff has stipulated that she will not deny access and/or visitation to the Defendant's mother, Brenda Hopka-Hadel, the minor child's biological paternal grandmother.

10. That Defendant will continue to carry the minor child on his health insurance until January 2025 when the Plaintiff can transfer the minor child to her health insurance.

11. Both parties have agreed that in the entry of this Order, that Defendant will dismiss his Civil suit, No. C-13-CV-24-000309, against Plaintiff.

12. Under the circumstances set forth above, the Defendant hereby requests that his Petition be docketed as voluntarily be dismissed.

13. That both Parties have entered into this Agreement freely and voluntarily, after conferring with counsel and with the intent of settling this litigation for all times.

ORDERED, that the terms of the Parties Agreement hereby are effective as of the date of this Order with the case otherwise being docketed and voluntarily dismissed with the Order remaining in full force and effect by consent of the Parties.

_____
Date

_____
JUDGE
Circuit Court for Baltimore County

The foregoing Order is approved as to form and content and consented to by the Parties:

_____
Blake Hadel

_____
Sarah Spitalnick, Esquire
CPF: 2311290
23 Walker Avenue, Suite 207,
Pikesville, MD 21208
484-332-0454
sarahspitalnickesq@gmail.com
Attorney for Defendant

Pltf. Exhibit 3

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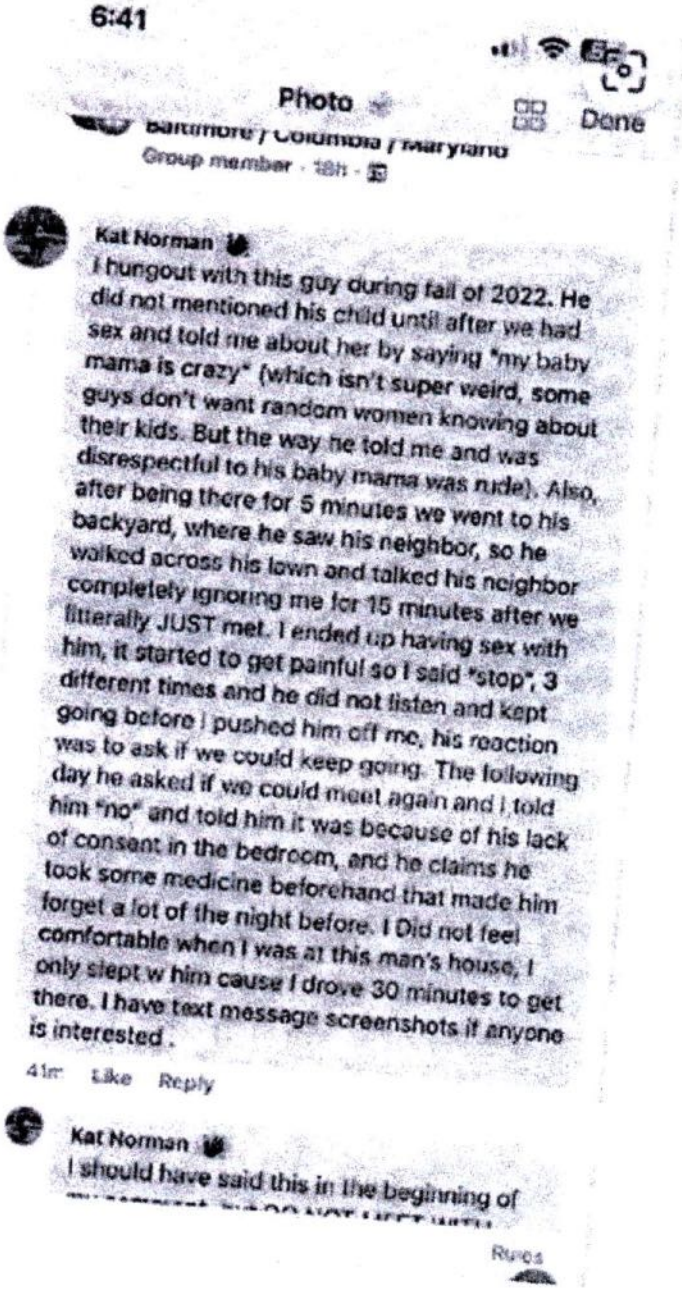
Meghan Maggio

Meghan Maggio

W. Bradley Bauhof, Esquire
CFP: 9312140047
158 N. Court Street
Westminster, MD 21157
410-876-4500
Brad@bauhoflegal.com
Attorney for Plaintiff

Pltf. Exhibit 3

Scanned with CamScanner


6:41
Photo
Done
Baltimore / Columbia / Maryland
Group member · 18h ·
Kat Norman
I hungout with this guy during fall of 2022. He did not mentioned his child until after we had sex and told me about her by saying "my baby mama is crazy" (which isn't super weird, some guys don't want random women knowing about their kids. But the way he told me and was disrespectful to his baby mama was rude). Also, after being there for 5 minutes we went to his backyard, where he saw his neighbor, so he walked across his lawn and talked his neighbor completely ignoring me for 15 minutes after we litterally JUST met. I ended up having sex with him, it started to get painful so I said "stop", 3 different times and he did not listen and kept going before I pushed him off me, his reaction was to ask if we could keep going. The following day he asked if we could meet again and I told him "no" and told him it was because of his lack of consent in the bedroom, and he claims he took some medicine beforehand that made him forget a lot of the night before. I Did not feel comfortable when I was at this man's house, I only slept w him cause I drove 30 minutes to get there. I have text message screenshots if anyone is interested .
41m Like Reply
Kat Norman
I should have said this in the beginning of

Pltf. Exhibit 8

8/5/25
PIT. #9
C-06-CV-24-000259

3/5/25
DEF #1
C-06-CV-24-000259

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * * *

MAGISTRATE'S REPORT AND RECOMMENDATIONS

This matter came before a Magistrate for a hearing on March 22, 2023. Plaintiff appeared with counsel. Defendant did not appear.

Upon consideration of the papers, proceedings, testimony, exhibits, arguments, and in accordance with the *Annotated Code of Maryland, Maryland Rules 2-541 and 9-208*, this Magistrate hereby makes and submits the following relevant procedural history, applicable law, findings of fact, and recommendations.

RELEVANT PROCEDURAL HISTORY

On September 9, 2022, the Plaintiff, MEGHAN MAGGIO (hereinafter "Plaintiff" or "Mother"), filed a Complaint for Custody (and with respect to Visitation and Child Support) against the Defendant, BLAKE HADEL (hereinafter "Defendant" or "Father"). No Answer or Response was filed, and thus this Honorable Court entered an Order of Default as to the Complaint for Custody on November 29, 2022. Plaintiff filed a Second Amended Complaint on February 6, 2023, for Custody raising the same issues as in the original Complaint.

ISSUES AND APPLICABLE LAW

The issues are legal and physical custody, visitation, and child support. The parties have one minor child, namely, Sophia Lynn Hadel, born March 2021.

Entered: Clerk, Circuit Court for
Baltimore County, MD
March 22, 2023

For custody and visitation, the Court will look to determine the "best interests" of the child. The Court looks to the factors listed in *Taylor v. Taylor*, 306 Md. 290 (1986). The factors include but not limited to the fitness of the parents, the parents' character and reputation of the parents, the requests of each parent and the sincerity of the requests, any agreements between the parents, the willingness of the parents to share custody, the age and number of children each parent has in the household, the preference of the child, geographic proximity of the parental homes, the ability of each parent to maintain a stable and appropriate home for the child, financial status of the parents, any prior voluntary abandonment or surrender of custody of the child, and the potential disruption of the child's social and school life. No single factor is most important. See *Montgomery County Dept. of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

For child support, parents have an obligation to support their children. See, e.g., Md. Ann. Code, Family Law Article, Sec. 5-203; Middleton v. Middleton, 329 Md. 627, 633, 620 A.2d 1363 (1993).

ANALYSIS AND FINDINGS

This Magistrate finds, by a preponderance of the evidence and based upon the best interests of the child and the testimony of the Plaintiff and the Plaintiff's witness, Rachael Kimmett, as follows:

1. The parties have one minor child together namely, Sophia Lynn Hadel, born March 2021 (hereinafter "Child" or "Minor Child"), a girl aged 2 years. Plaintiff's Exh #1 is the child's birth certificate which does not list the Father. The Mother testified that the Father was present at the child's birth at the hospital but did not sign the birth certificate because he believed that would obligate him to pay child support. The Mother testified that the Father has always acknowledged the child, has never disputed paternity, and that from her standpoint there is no question that he is the Father.

2. The Mother testified that the child is in good health. The child is covered for health insurance through the State of Maryland through the Father at no cost to him. The child's pediatrician is Dr. DeJarnette. The child is current on her well child visits and immunizations. Plaintiff's Exh #5 is the child's immunization records. The Mother testified that she takes the child to all of the child's medical appointments and that the Father does not attend these appointments.

3. The Mother resides at 7295 Jenna Drive in Marriottsville, Maryland 21104. She resides there with her parents and her siblings. One of her brothers is age 16 and the others are adults. The Mother testified that all of her family has a close relationship with the child. This is a six-bedroom home on a large property in a safe neighborhood and is a clean, stable environment for the child. The child has her own room. Plaintiff's Exh #2 are photos of the family room where the child plays and the child's bedroom. This Magistrate finds that Mother's residence is an appropriate residence for the child.

4. The Mother testified that she is currently employed at LMW Auto Repair Shop as a service writer. She has worked there 2.5 months. She works full-time and earns $18.00 per hour and $600.00 net per week. Plaintiff's Exh # 3 are Mother's two most recent paystubs showing a gross weekly income of $720.00 per week. This equates to $3,120.00 per month. This Magistrate finds that the Mother earns $3,120.00 per month.

5. The Mother testified that the child is currently in "in home" work-related day care at a cost of $300.00 per week which equates to $1,300.00 per month. The Mother pays the day care provider in cash. Plaintiff's Exh #4 are Mother's bank records showing these weekly $300.00 cash withdrawals that are designated as "day care costs". Mother testified that in late June or July the child will be attending Kindercare. She is not yet enrolled. The cost then will be $400-$600 per week depending on if the child is potty trained. This Magistrate finds that Mother's work-related day care costs are $300.00 per week and will include the current work-related day care costs in the child support Guidelines.

6. The Mother testified that Father works and his own roofing and contracting business, Bay Area Builders LLC. She has no direct information regarding his earnings. The Mother testified that the Father is able-bodied. This Magistrate finds that potential income should be attributed to Father and that attributing potential income to the Father is in the best interests of the child. Goldberger v. Goldberger, 96 Md. App. 313 (1993). This Magistrate finds that Father is capable of at least earning full-time minimum wage which is $2,296.67 per month.[1]

7. The Mother testified that Father has another child, Tate Joseph Fullano, born January 2020 to mother Lynnsey Fullano. Mother testified that Father does not have custody of that child. This Magistrate takes judicial notice of the fact that in the matter of Hadel v. Fullano, Case No.: C-03-FM-21-005169, Father is ordered to pay $350.00 per month in child support according to a Consent Order entered on 8/24/2022 and signed by Father. That Consent Order references the prior child support Order entered on 7/15/2021 in the matter of Fullano v. Hadel, Case No.: C-03-FM-20-004781.

[1] See, e.g., https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/wages.html.

8. This Magistrate finds that the Mother is a fit and proper person to have the care and custody of the minor child. The Mother and Ms. Kimmett testified that the Mother is fit and that the child is close with the Mother and the Mother's family. Ms. Kimmett testified that she has known the Mother for ten years, has frequently observed the Mother with the child, described the Mother as a very "hands on" parent, and otherwise described Mother's good care of and for the child and her appropriate housing. Both testified that the Child has been in the care of the Mother and the Mother has been the Child's primary caretaker since birth. The Mother testified that the Child has always resided with her and has never resided with the Father.

9. This Magistrate finds that the Father is not currently a fit and proper person to have the custody of or unsupervised visitation with the minor child. The Mother and Ms. Kimmett testified that the Father is not fit and has never been the child's caretaker. The Mother testified that the Father has never lived with the child nor had the care of the child. The Father has only had limited access with the child that was supervised by one of his parents. The Mother testified that Father lives in a residence that is inappropriate for the child. Plaintiff's Exh #8 are photos showing the poor condition of Father's house. Ms. Kimmett testified that she has been to Father's house and that it "looks like a frat house." The Mother testified that the Father has a history of drug use. Plaintiff's Exh #6 is a screen shot Mother took of a video call from Father to the child that shows a syringe. Plaintiff's Exh #7 is a screenshot Mother took of Father "nodding out" during a call to the child on 2/26/23. Plaintiff's Exh #8 is a photo Mother took at Father's house of a marijuana joint on a table accessible by the child on 2/24/23. Plaintiff's Exh #9 are screen shots of text messages from the Father to the Mother in late November 2022 in which Father states that he is "tripping hard". Plaintiff's Exh #10 is a social media post from Father on 7/24/2022 in which he states "I just sniffed a ball of blow and popped a Molly". The Mother testified that she does not feel that it is safe for the child to be around the Father. Father's limited visitation with the Minor Child has been supervised. The Mother testified that the Father has not paid any child support.

10. Mother is requesting sole legal and primary physical custody of the child and child support. Mother is concerned about the Father's access with the child given the condition of his residence and his drug use. Mother has made all of the decisions for the child and Father is not fit to make decisions for the child. Mother seemed sincere in her requests. There are no agreements between the parties.

RECOMMENDATIONS OF THE MAGISTRATE

Upon careful consideration of the pleadings, testimony, and law, this Magistrate makes the following recommendations:

1. That the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff.

2. That the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff.

3. That beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet.

4. That the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement.

5. Unless waived by the Court, that the Plaintiff shall pay any open Court costs.

Suzanne Farace

MAGISTRATE

NOTICE REGARDING EXCEPTIONS

In accordance with *Annotated Code of Maryland, Maryland Rule 9-208(f)*, a party intending to file Exceptions to the recommendation of the Magistrate shall file such Exceptions with the Clerk of the Court within ten (10) days after recommendations are placed on the record or served pursuant to *Annotated Code of Maryland, Maryland Rule 9-208(e).*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2023, I mailed via first-class, postage prepaid, a copy of the foregoing Report and Recommendations to:

Jocelyne L. Gresock, Esquire
The Women's Law Center
305 West Chesapeake Avenue
Suite 201
Towson, Maryland 21204

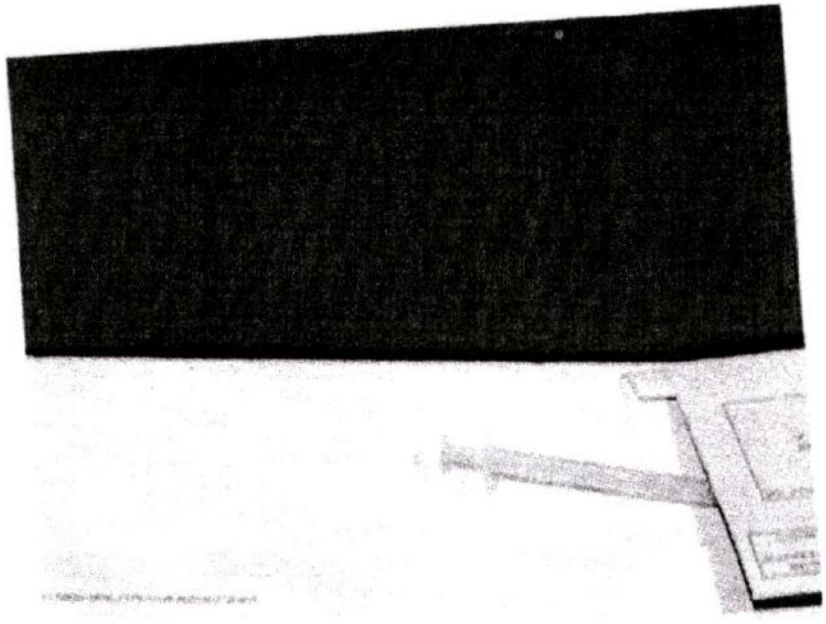
Plaintiff

and

Blake Hadel
4050 Beach Road
Dundalk, Maryland 21222

Defendant

Suzanne Farace
MAGISTRATE



6. From the time until the filing of this Complaint, Father's phone number remains with Mother and maternal grandparents at 1245 Jones Drive Morrisonville, Mills 21034

7. Mother has not participated as a party, witness or in any other capacity in any other litigation concerning the custody of the minor child

8. Mother has not participated in any other proceeding concerning the custody of the minor child and does not know of any other case

Mother knows of no individual other than the current parties to this case who has physical custody of the minor child or claims to have custody or visitation rights with respect to the minor child

Mother has legal custody of the minor child and has

Mother is a fit and proper person to have custody of the minor child

Father is not a fit and proper person to have custody of the minor child

It is in the best interest of the minor child that Mother have sole physical and legal custody

Father was abusive to Mother during and following the parties' marriage

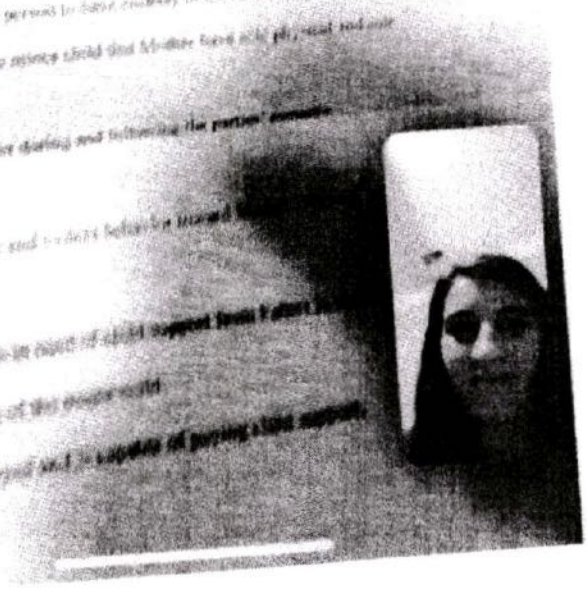
Father has

that Father

Father has extended visits and contacts before and after the marriage

daily injury

that is completely unsupervised and is capable of perpetrating more



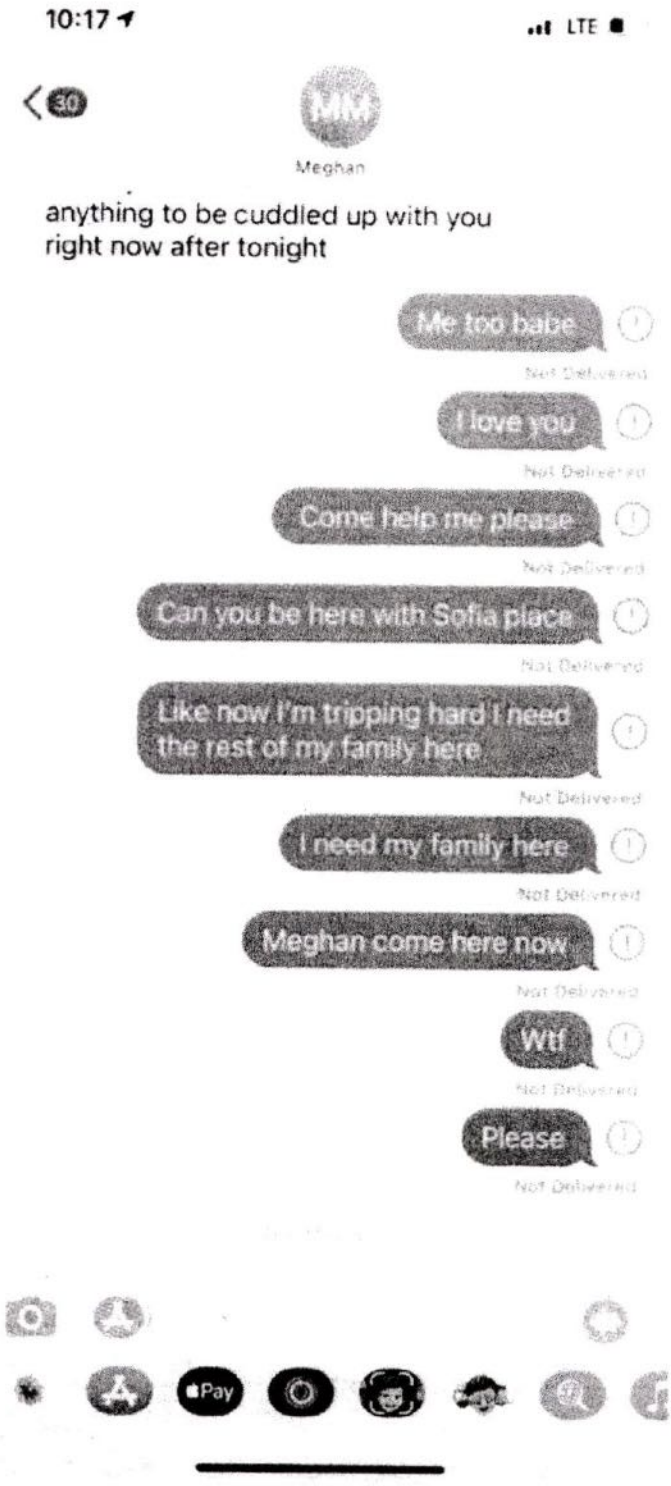
PLT EXHIBIT

tabbies

6

PLT EXHIBIT
7

PLT EXHIBIT
9


10:17
LTE
30
MM
Meghan
anything to be cuddled up with you right now after tonight
Me too babe
Not Delivered
I love you
Not Delivered
Come help me please
Not Delivered
Can you be here with Sofia place
Not Delivered
Like now I'm tripping hard I need the rest of my family here
Not Delivered
I need my family here
Not Delivered
Meghan come here now
Not Delivered
Wtf
Not Delivered
Please
Not Delivered
Pay

11:09 LTE

BLAKE L. HADEL

In My Contacts

BLAKE

I think it's hilarious though I'm literally keeping it
I don't give a fuck

ME

BLAKE

Lmao nahhh

ME

Yesss huh. That's how big your eyes look fr

BLAKE

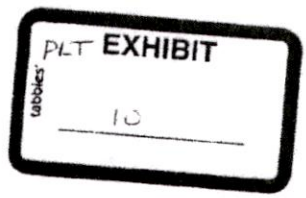
Because I just sniffed a ball of blow and popped
a Molly two seconds before that picture

ME

You and that fucking molly
Thank god I didn't come over tonight

BLAKE

Yeah I need to stop the drugs dad life
Sike
Yea I'd blow your back out on the Molly



11:10
LTE
Send a chat

MEGHAN MAGGIO	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
BLAKE HADEL	*	BALTIMORE COUNTY
Defendant	*	Case No.: C-03-FM-22-005009

* * * * * * * * * * * * * *

ORDER

This matter having been called for a default hearing before a Magistrate on March 22, 2023, the Plaintiff, MEGHAN MAGGIO, having appeared with counsel, and the Defendant, BLAKE HADEL, having not appeared, and testimony having been taken, and the Findings and the Recommendations of the Magistrate dated March 22, 2023, having been issued and served, and no Exceptions having been filed, it is, by the Circuit Court for Baltimore County, hereby

ORDERED that the Plaintiff, MEGHAN MAGGIO, shall have Sole Legal Custody and Primary Physical Custody of the minor child of the parties, namely, Sophia Lynn Hadel, born March 2021, and the child's principal residence shall be with the Plaintiff; and it is further

ORDERED that the Defendant, BLAKE HADEL, shall have Visitation and Access with the minor child as determined by the Plaintiff; and it is further

ORDERED that beginning March 1, 2023, the Defendant, BLAKE HADEL, shall pay to the Plaintiff, MEGHAN MAGGIO, the sum of $860.00 per month for the support and maintenance of the Minor Child of the parties, by wage lien through the Office of Child Support Enforcement. See attached Child Support Guidelines Worksheet; and it is further

Pltf. Exhibit 4

ORDERED, that:

a. If the Obligor accumulates support payment arrears amounting to more than thirty (30) days of support, the Obligor shall be subject to earnings withholding; and

b. The Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as this Support Order is in effect; and

c. Failure to comply will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of the proceeding for earnings withholding; and it is further

ORDERED, that the Office of Child Support Enforcement shall determine the Defendant's arrears and any arrears shall also be paid by wage lien through the Office of Child Support Enforcement; and it is further

ORDERED, that unless waived by the Court, that the Plaintiff shall pay any open Court costs.

ALL SUBJECT TO THE CONTINUING JURISDICTION OF THIS COURT.

Michael J. Finifter

JUDGE Michael J. Finifter

This is a proper Order to be signed. 04/06/2023 11:15:06 AM

Suzanne K. Farace 04/06/2023

MAGISTRATE

Entered: Clerk, Circuit Court for Baltimore County, MD
April 7, 2023

Pltf. Exhibit 4

March 1, 2023 - $860

April 1, 2023 - $860

May 1, 2023 - $860

June 1, 2023 - $860

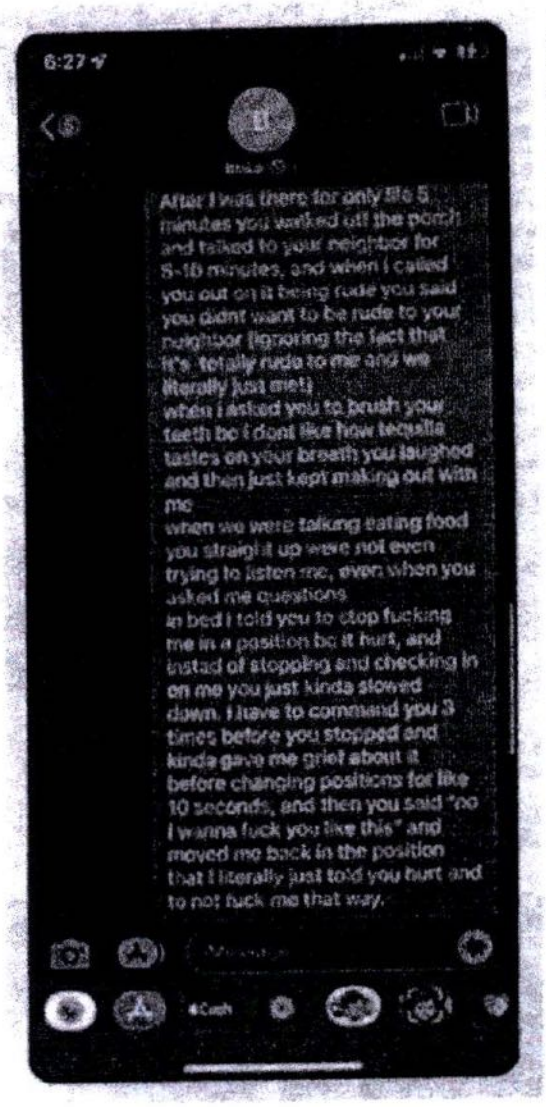
July 1, 2023 - $860

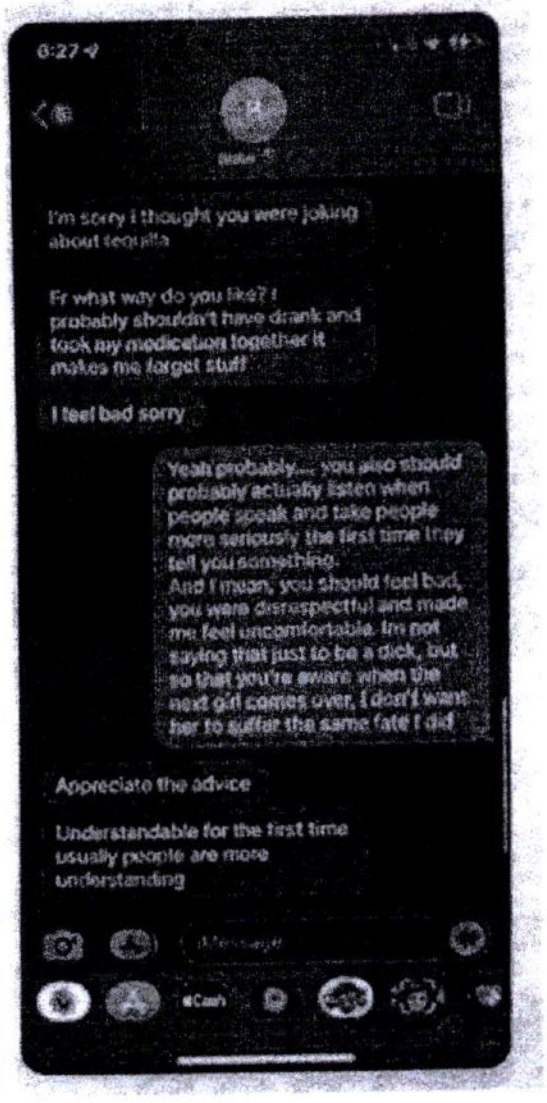
$4,300

paid $1,400 on $4,300 obligation

8/6/25 AO
Def. #2
C-06-CV-24-000259

Exhibit 3


After I was there for only like 5 minutes you walked off the porch and talked to your neighbor for 5-10 minutes, and when I called you out on it being rude you said you didnt want to be rude to your neighbor (ignoring the fact that it's totally rude to me and we literally just met)
when I asked you to brush your teeth bc I dont like how tequilla tastes on your breath you laughed and then just kept making out with me
when we were talking eating food you straight up were not even trying to listen me, even when you asked me questions
in bed I told you to stop fucking me in a position bc it hurt, and instad of stopping and checking in on me you just kinda slowed down. I have to command you 3 times before you stopped and kinda gave me grief about it before changing positions for like 10 seconds, and then you said "so I wanna fuck you like this" and moved me back in the position that I literally just told you hurt and to not fuck me that way.


I'm sorry I thought you were joking about tequilla
Fr what way do you like? I probably shouldn't have drank and took my medication together it makes me forget stuff
I feel bad sorry
Yeah probably.... you also should probably actually listen when people speak and take people more seriously the first time they tell you something.
And I mean, you should feel bad, you were disrespectful and made me feel uncomfortable. Im not saying that just to be a dick, but so that you're aware when the next girl comes over, I don't want her to suffer the same fate I did
Appreciate the advice
Understandable for the first time usually people are more understanding

8/ 0/25 ID
PLT. #10
C-06-CV-24-000259

6:28
B
Blake
people speak and take people more seriously the first time they tell you something.
And I mean, you should feel bad, you were disrespectful and made me feel uncomfortable. Im not saying that just to be a dick, but so that you're aware when the next girl comes over, I don't want her to suffer the same fate I did
Appreciate the advice
Understandable for the first time usually people are more understanding
Understanding about what
That I drank and apologized for my actions lol
Oh haha well since those were kinda obvious red flags and are preventable/things you should know about already they're not exactly excusable
Delivered
Message
Cash

Pltf. Exhibit 9

INVOICE

Remit Payment to:
W. Bradley Bauhof, LLC
22 North Court Street
Westminster, MD 21157
410.876.4500

Date: August 6, 2025
Invoice #: 100
Terms: **Due upon receipt**

To: Kyleigh Midkiff
Via Email:

Date	Professional Legal Services	Hours/Rate
10/02/24	Initial Meeting	n/c
10/14/24	Meeting with Client	0.5
10/15/24	Open File; Review of Documents	0.2
10/16/24	Review of Complaint; Review of Emails	0.2
10/18/24	Draft Answer to Complaint; Research Affirmative Defenses	1.0
10/28/24	Fill out/Mail in form for Audio Transcript	n/c
10/31/24	Update Answer; Research	0.2
	Draft Discovery Requests to Opposing Party	2.0
11/01/24	Meeting with Client	1.0
11/11/24	Review of CD Audio of Motions Hearing	0.5
11/18/24	Draft/Forward Responses to Discovery to Opposing Counsel	1.0
	Propound Discovery Requests on Opposing Party	n/c
12/09/24	Review of Discovery Responses from Opposing; Review of Deficiency Letter from Counsel; Forward Same to Client	0.2
12/19/24	Review Discovery Deficiencies and Client Responses	0.5
12/27/24	Draft/Forward Response to Deficiency Letter	0.5
01/01/25	Emails with Opposing re: Scheduling Deposition	0.1
02/10/25	Draft Second Set of Discovery Requests	0.5
	Meeting with Client	0.5
02/11/25	Propound Second Discovery Requests	0.5
02/13/25	Draft/Send Settlement Letter; Attend Deposition with Client	3.0
02/17/25	Review Settlement Offer	n/c
03/03/25	Review Discovery Responses; Forward to Client	0.2
06/10/25	Research of Discovery/Sanctions Rules; Draft Response to Motion for Sanctions	1.0
06/11/25	Email to Client; Draft Proposed Order; File Response; Draft/File Pre-Trial Statements; Emails with Client	2.0
06/13/25	Attend Pretrial Conference	1.0
07/01/25	Research Jury Instructions; Review of Malice; Motion for Direct Verdict	0.5
07/23/25	Prepare for Trial; Organize Trial Binder; Draft Direct Examination; Draft Position Statement; Review Motion in Limine Filed	3.0
07/29/25	Meeting with Client; Prepare for Trial	2.0
07/30/25	Prepare for Trial; Prepare Proposed Jury Sheets	5.0
08/04/25	Prepare for Trial	5.0

8/6/25
DEF. #3
C-06-CV-24-000259

08/05/25	Trial	8.0
08/06/25	(ESTIMATED) Trial	2.0

Total Hours @ $300/hour		42.1
Total Hourly Amount	$	12,630.00
Total Balance Due	**$**	**12,630.00**

Balances not paid within 30 days will be subject to 1.5% interest each month until paid in full.

Make all checks payable to: Bauhof Legal, LLC

22 North Court Street, Westminster, MD 21157 Phone 410.876.4500 Fax: 443.952.7060

Email: brad@bauhoflegal.com

Thank you

BLAKE HADEL,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
KYLEIGH MIDKIFF,	*	CARROLL COUNTY
Defendant.	*	Case Number: C-06-CV-24-000259

AFFIDAVIT OF MICHELLE O. CAMPBELL

I, Michelle O. Campbell, am over the age of 18 years and am competent to testify to the matters set forth herein. The following facts are true and correct based upon personal knowledge, information and belief:

1. I am an attorney currently practicing in Carroll County.
2. I am a sole practitioner for the Law Office of Michelle O. Campbell, LLC.
3. I have reviewed the Invoice dated August 6, 2025, and billed to the Defendant in this matter by Bauhof Legal, LLC.
4. The work performed and hourly charges incurred on behalf of the Defendant with regard to this case are reasonable and customary for this jurisdiction for attorneys with similar experience.
5. The fees incurred and noted in the Invoice dated August 6, 2025, were all necessary for the Defendant to properly prepare for and attend trial in this matter.

I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

MICHELLE O. CAMPBELL

8/6/25
Def #4
C-06-CV-24-000259

E-FILED; Carroll Circuit Court
Docket: 8/8/2025 7:02 AM; Submission: 8/8/2025 7:02 AM
Envelope: 22407713

APPELLATE COURT OF MARYLAND

361 Rowe Blvd., Second Floor, Annapolis, MD 21401
www.mdcourts.gov/cosappeals / 410-260-1450

CIVIL APPEAL INFORMATION REPORT

(Md. Rules 8-205 & 8-206)

Appellant: Blake Hadel v. Appellee: Kyleigh Midkiff

County/Baltimore City: Carroll County Case No. C-06-CV-24-000259 Judge: Maria Oesterreicher

Instructions Except in the circumstances noted below, a party who is appealing (known as the "appellant") from a civil case in the circuit court, must file the following in the circuit court:

(1) A notice of appeal; and
(2) This completed Civil Appeal Information Report including the judgment(s) that is/are appealed.

At the time the appellant files the notice of appeal and Civil Appeal Information Report, the appellant must also serve a copy of each on all other parties or their attorneys.

In completing this form you may use extra pages if needed. There is no separate fee to file this form.

FAILURE TO TIMELY FILE THIS FORM OR TO CORRECT ANY ERRORS AS REQUESTED MAY RESULT IN DISMISSAL OF THE APPEAL.

Exceptions: This form is not required for cases regarding Child(ren) In Need of Assistance or Supervision; termination of parental rights; juvenile delinquency; criminal convictions; habeas corpus; coram nobis; post-conviction; violation of probation; appeals by prisoners relating to their confinement; and cases where an application for leave to appeal is allowed by law.

For appellee(s): Within 10 days after service of appellant's Civil Appeal Information Report, each non-appealing party (known as an "appellee") may, but is not required to, file with the Clerk of the Appellate Court of Maryland a supplemental report containing any other information needed to clarify the issues on appeal.

COMPLETE THE FOLLOWING:

Appellant's Name:	Blake Hadel	**Appellant's Attorney:**	Sarah Spitalnick Esq
Phone (cell & work):	443.695.6990	Phone (cell & work):	484.332.0454
E-mail:	blh11@live.com	E-mail:	sarahspitalnickesq@gmail.com
Appellee's Name:	Kyleigh Midkiff	**Appellee's Attorney:**	WILLIAM BRADLEYBAUHOF
Phone (cell & work):		Phone (cell & work):	(410) 876-4500
E-mail:	kyleigh1230@comcast.net	E-mail:	brad@bauhoflegal.com

1. **Select Case Type:**

☐ Contract ☐ Declaratory Judgment ☐ Foreclosure ☐ Estates/Trusts ☐ Divorce
☐ Custody ☐ Admin. Agency Appeal ☐ Workers Comp. ☒ Personal Injury ☐ Other _____

2. **Dates & duration of any relevant trial(s) or hearing(s):** Trial: 08/05/2025-08/06/2025

3. **Were any post-judgment motions filed under Rule 2-532 (Judgment Notwithstanding the Verdict); 2-533 (New Trial); or 2-534 (Alter or Amend) within 10 days of entry of judgment** ☐ YES ☒ NO

Date Motion Filed: _____ Disposition Date: _____ ☐ GRANTED ☐ DENIED ☐ PENDING

4. **Does the judgment/order appealed end the entire case against all parties?** ☒ YES ☐ NO

   If no, explain why the case is appealable under Rule 2-602 or Courts & Judicial Proceedings § 12-301 or § 12-303: _____

5. **Was *in banc* review requested under Rule 2-551 (In Banc Review)?** ☐ YES ☒ NO
   If yes, which party filed the petition for *in banc* review? _____

6. **Has there been a prior appeal in this case, or are there any pending related appeals?** ☐ YES ☒ NO

   Prior Appeal Case No(s).: _____

   Related Appeal Case No(s): _____

7. **Is this an appeal from an order about adoption, termination of parental rights, guardianship of the person, custody, or visitation?** ☐ YES ☒ NO

8. **Briefly state the issues on appeal *(Information disclosed does not limit the scope of appeal. Rule 8-205(f)).***

   abuse of discretion
   violation of rights
   reverable error

9. **Describe the history and present status of settlement negotiations *(Information disclosed is subject to Rule 8-205(f)).***

   Plaintiff made a settelment offer, Defendant rejected the offer and made a counter-offer that was rejected by Plaintiff.

   a. Was this case previously submitted to any Alternative Dispute Resolution process (arbitration, mediation, settlement conference, etc.)? ☐ YES ☒ NO

      If so, please identify the arbitrator or mediator: _____

   b. Could this case benefit from mediation or prehearing conference services before briefs are filed? ☐ YES ☒ NO

(For questions about your appeal please call the Appellate Court of Maryland Clerk's Office at 410-260-1450 or see mdcourts.gov/cosappeals)

CERTIFICATE OF SERVICE

I certify that on the date stated below a copy of the foregoing Report was mailed, postage prepaid to:

WILLIAM BRADLEY BAUHOF,
Name

22 N. Court St
Address

Westminster MD 21`57
City, State, Zip

_____
Name

_____
Address

_____
City, State, Zip

08/08/2025
Date

Sarah Spitalnick
Signature of Party Serving

Sarah Spitalnick Esq.
Printed Name

CIRCUIT COURT OF MARYLAND FOR CARROLL COUNTY
55 N. COURT STREET
WESTMINSTER, MD 21157
Clerk's Office: 410-386-8710

Case Number: **C-06-CV-24-000259**

Blake Hadel vs. Kyleigh Midkiff

Date: 8/12/2025

NOTICE OF EXHIBITS FILED UNDER MARYLAND RULE 16-405(e)(2)(b)

In compliance with Maryland Rules of Procedure 16-405(e)(2)(B), exhibits relating to the above referenced case may now be released. These exhibits include:

8/5/25 PLT #1	Facebook Post/Comments
8/5/25 PLT #2	Consent Order- C-03-FM-22-005009
8/5/25 PLT #3	Facebook Post/Comments
8/5/25 PLT #4	Consent Order- C-03-FM-21-005169
8/5/25 PLT #5	Order- C-03-FM-22-005009
8/5/25 PLT #6	CSA Case Summary
8/5/25 PLT #7	Stipulation Agreement- C-03-FM-21-005169
8/5/25 PLT #8	Stipulation Agreement- C-03-FM-22-005009
8/5/25 PLT #9	Facebook Comment
8/5/25 DEF #1	Magistrate's Report & Recommendations w/ Exhibits
8/6/25 DEF #2	Calculation of Child Support
8/6/25 PLT #10	Text Message
8/6/25 DEF #3	Attorney Invoice
8/6/25 DEF #4	Affidavit

If you desire your exhibits, then please promptly contact the clerk's office to make arrangements to retrieve them. If we do not receive your request to withdraw your exhibits within 30 days from the date of this notice, then we will dispose of the exhibits in any manner, including destruction, as may be appropriate. To enable faster service, please bring this letter with you.

Heather S. DeWees
Clerk of the Circuit Court